

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

STATE OF ALABAMA,

BEGUN AND HELD AT THE TOWN OF TUSCALOOSA, ON THE

FIRST MONDAY IN NOVEMBER, 1832.

BEING A CALLED SESSION

OF THE

GENERAL ASSEMBLY OF SAID STATE.

TUSCALOOSA:

PRINTED BY E. WALKER,

STATE PRINTER.

1832.

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HOUSE OF REPRESENTATIVES.

Monday, November 5, 1832.—On Monday the 5th day of November, in the year of our Lord eighteen hundred and thirty-two, being the day fixed upon by the proclamation of his Excellency, John Gayle, Governor for the State of Alabama, the following members of the House of Representatives appeared in the State Capitol, in the town of Tuscaloosa, were duly qualified and took their seats, to wit :

From the county of Autauga—Robert Brodnax and Samuel S. Simmons.

From the county of Baldwin—Joseph Hall.

From the county of Bibb—James W. Davis and John E. Sumners.

From the county of Blount—William H. Musgrove and Samuel Johnson.

From the county of Butler—Nathan Cook.

From the county of Clarke—John G. Creagh.

From the counties of Conecuh and Covington—Samuel W. Oliver and Julian S. Devereux.

From the county of Dallas—Ethelbert W. Saunders and Peter Walter Herbert.

From the county of Franklin—Benjamin Hudson.

From the county of Fayette—Caswell C. Thompson.

From the county of Greene—Walter N. Moffett, William T. Fortson and Daniel M. Witherspoon.

From the counties of Henry and Dale—James Ward.

From the county of Jackson—Benjamin B. Goodrich, Henry Norwood, Caleb B. Hudson and John Lusk.

From the county of Jefferson—H. M. Carithers and Samuel S. Earle.

From the county of Lawrence—John J. Ormond, John Stewart and David Hubbard.

From the county of Limestone—William Richardson, Richard B. Brickell and William Mason.

From the county of Lauderdale—Cornelius Carmack, George S. Houston and Samuel Young.

From the county of Madison—William Flemming, Henry King and John P. Graham.

From the county of Morgan—Henry W. Rhodes, Robert F. Houston and John T. Rather.

From the county of Marion—Derrill U. Hollis and Thaddeus Walker.

From the county of Montgomery and Lowndes—Robert J. Ware, Samuel C. Oliver and John Rugeley.

From the county of Marengo—John Lockhart.

From the county of Monroe—Benjamin F. Porter, Nathan Coker and John Morrisette.

From the county of Mobile—Benjamin Brent Breedin and Henry Chamberlain.

From the county of Perry—George Weissinger, William S. Miree and Columbus W. Lee.

From the county of Pike—Jesse T. Reaves and Lawson J. Keener.

From the county of Pickens—George H. Flournoy.

From the county of St. Clair—John Massey and Green T. M'Afee.

From the county of Shelby—Leonard Tarrant and George Hill.

From the county of Tuscaloosa and Walker—John R. Drish, Pleasant N. Wilson, Constantine Perkins and Marmaduke Williams.

From the county of Washington—Alexander Trotter.

From the county of Wilcox—Walter R. Ross.

On motion of Mr Weissinger, Mr Williams was called to the chair, and Thomas B. Tunstall appointed clerk, *pro tem*.

The House then proceeded to the election of a Speaker. Samuel W. Oliver and David Hubbard being in nomination.

Those who voted for Mr Oliver are, Messrs Breedin, Brickell, Carmack, Carithers, Chamberlain, Cook, Creagh, Davis, Devereux, Drish, Earle, Flemming, Fortson, Goodrich, Graham, Hall, Hill, Houston of L. Houston of M. Hudson of F. Hudson of J. Johnson, King, Lockhart, Lusk, M'Afee, Massey, Mason, Moffett, Musgrove, Norwood, Perkins, Rather, Rhodes, Simmons, Tarrant, Thompson, Trotter, Walker, Weissinger, Williams, Wilson, Witherspoon and Young.

Those who voted for Mr Hubbard are, Messrs Brodnax, Coker, Herbert, Hollis, Keener, Lee, Miree, Oliver of M. Porter, Reaves, Richardson, Ross, Rugeley, Saunders, Simmons, Stewart, Ward and Ware.

Mr Morrisette voted for John J. Ormond.

Samuel W. Oliver, a member from the county of Conecuh, having received a majority of votes, was declared duly elected, conducted to the chair, made his acknowledgements to the House for the honor conferred, was qualified and entered upon the discharge of the duties of his office.

The house then proceeded to the election of a Principal Clerk. Thomas B. Tunstall alone being in nomination.

Those who voted for Mr Tunstall are, Messrs Breedin, Brickell, Brodnax, Carmack, Carithers, Chamberlain, Coker, Cook, Creagh, Davis, Devereux, Drish, Earle, Flournoy, Fortson, Goodrich, Graham, Hall, Herbert, Hill, Hollis, Houston of L. Houston of M. Hubbard, Hudson of F. Hudson of J. Johnson, Keener, King, Lee, Lockhart, Lusk, M'Afee, Massey, Mason, Moffett, Morrisette, Musgrove, Norwood, Oliver of M., Ormond, Perkins, Porter, Rather, Reaves, Rhodes, Richardson, Ross, Rugeley, Saunders, Simmons, Stewart, Sumners, Tarrant, Thompson, Tortter, Walker, Ward, Ware, Weissinger, Williams, Wilson, Witherspoon and Young.

Mr Tunstall having received all the votes given, was therefore declared duly elected Clerk of the House of Representatives, was qualified and entered upon the discharge of the duties of his office.

The House then proceeded to the election of an Assistant Clerk. Thomas N. Van Dyke, Nathaniel Norwood, John Adams and George Savage being in nomination.

Those who voted for Mr Van Dyke are, Messrs Speaker, Breedin, Brickell, Carmack, Chamberlain, Fortson, Goodrich, Graham, Hall, Hol-

lis, Houston of M. Hudson, of J. Johnson, King, Lusk, Massey, Mason, Moffett, Musgrove, Rather, Tarrant, Trotter, Walker, Weissinger, Williams and Witherspoon.

Those who voted for Mr Norwood are, Messrs Brodnax, Carithers, Creagh, Davis, Drish, Flemming, Keener, Ross, Saunders, Simmons and Sumners.

Those who voted for mr Adams are, messrs Fleurnoy, Hill, Porter, Richardson and Wilson.

Those who voted for mr Savage are, messrs Coker, Cook, Devereux, Earle, Herbert, Houston of L. Hubbard, Hudson of F. Lee, Miree, Oliver of m. Ormond, Rhodes, Rugeley, Stewart, Thompson, Ward, Ware and Young.

No one of the candidates having received a majority of the votes, the House again proceeded to the election of an Assistant Clerk. The same persons being in nomination.

Those who voted for mr Van Dyke are, messrs Speaker, Breedin, Brickell, Chamberlain, Fortson, Goodrich, Graham, Hall, Hollis, Houston of m. Hudson of J. Johnson, King, Lusk, Massey, Mason, Moffett, Musgrove, Rather, Tarrant, Trotter, Walker, Weissinger, Williams and Witherspoon.

Those who voted for mr Norwood are, messrs Brodnax, Carithers, Creagh, Davis, Drish, Flemming, Keener, Lockhart, M'Afee, Morrisette, Norwood, Perkins, Reaves, Ross, Saunders, Simmons and Sumners.

Those who voted for mr Adams are, messrs Flournoy, Hill, Porter and Wilson.

Those who voted for mr Savage are, messrs Carmack, Coker, Cook, Devereux, Earle, Herbert, Houston of L. Hubbard, Hudson of F. Lee, Miree, Oliver of m. Ormond, Rhodes, Richardson, Rugeley, Stewart, Thompson, Ward, Ware and Young.

No one of the candidates having received a majority of votes, the House proceeded again to the election of an Assistant Clerk; mr Adams being withdrawn. messrs Van Dyke, Norwood and Savage being again in nomination.

Those who voted for mr Van Dyke are, messrs Speaker, Brickell, Carmack, Chamberlain, Flemming, Fortson, Goodrich, Graham, Hollis, Houston of M. Hudson of J. Johnson, King, Lusk, Massey, Mason, Moffett, Musgrove, Rather, Tarrant, Trotter, Walker, Weissinger, Williams and Witherspoon.

Those who voted for mr Norwood are, messrs Breedin, Brodnax, Carithers, Creagh, Davis, Drish, Flournoy, Hall, Herbert, Hill, Keener, Lockhart, M'Afee, Morrisett, Norwood, Oliver of M. Perkins, Porter, Reaves, Ross, Saunders, Simmons, Sumners and Wilson.

Those who voted for mr Savage are, messrs Coker, Cook, Devereux, Earle, Houston of L. Hubbard, Hudson of F. Lee, Miree, Ormond, Rhodes, Richardson, Rugeley, Stewart, Thompson, Ward, Ware and Young.

No one of the candidates having received a majority of votes, the House again proceeded to the election of an Assistant Clerk. The same persons being in nomination.

Those who voted for mr Van Dyke are, messrs Speaker, Breedin, Brickell, Chamberlain, Flemming, Fortson, Goodrich, Graham, Hall, Hollis, Houston of m. Hudson of J. Johnson, King, Lusk, Massey, Mason, Moffett, Musgrove, Rather, Tarrant, Trotter, Walker, Weissinger, Williams and Witherspoon.

Those who voted for mr Norwood are, messrs Brodnax, Carithers, Coker, Cook, Creagh, Davis, Devereux, Drish, Herbert, Hill, Keener, Lockhart,

M'Affee, Morrisette, Norwood, Oliver, Perkins, Porter, Reaves, Ross, Rugeley, Saunders, Simmons, Sumners, Ware and Wilson.

Those who voted for mr Savage are, messrs Carmack, Earle, Houston of L. Hubbard, Hudson of F. Lee, Miree, Ormond, Richardson, Stewart, Thompson, Ward and Young.

No one of the candidates having received a majority of votes, the House again proceeded to the election of an Assistant Clerk; Mr Savage being withdrawn. messrs Van Dyke and Norwood being again in nomination.

Those who voted for mr Van Dyke are, messrs Speaker, Breedin, Brickell, Carmack, Chamberlain, Earle, Flemming, Fortson, Goodrich, Graham, Hall, Hollis, Houston of m. Hudson of J. Johnson, King, Lusk, Massey, Mason, Moffett, Musgrove, Rather, Tarrant, Trotter, Walker, Weissinger, Williams and Witherspoon.

Those who voted for mr Norwood are, messrs Brodnax, Carithers, Coker, Cook, Creagh, Davis, Devereux, Drish, Flournoy, Herbert, Hill, Houston of L. Hubbard, Hudson of F. Keener, Lee, Lockhart, M'Affee, Miree, Morrisette, Norwood, Oliver, Ormond, Perkins, Porter, Reaves, Rhodes, Richardson, Ross, Rugeley, Saunders, Simmons, Stewart, Sumners, Thompson, Ware, Wilson and Young.

Mr Norwood having received a majority of votes, mr Speaker therefore declared him duly elected Assistant Clerk of this House, was qualified and entered upon the discharge of the duties of his office.

The House then proceed to the election of an Engrossing Clerk. Francis H. Ford, ——— Crompton, Andrew O. Horn, ——— Pfister, John Craig and Thomas B. Childress being in nomination.

Those who voted for mr Ford are, messrs Brickell, Brodnax, Carmack, Coker, Cook, Devereux, Flemming, Flournoy, Graham, Herbert, Houston of L. Hudson of F. Keener, Mason, Oliver, Porter, Reaves, Richardson, Rugeley, Saunders, Simmons, Ware and Young.

Those who voted for mr Crompton are, messrs Earle, Goodrich, Hill, Hudson of J. Lusk, Norwood and Rhodes.

Those who voted for mr Horn are, messrs Carithers, Hollis, Houston of m. Hubbard, Johnson, Musgrove, Ormond, Rather, Stewart, Thompson, Walker and Ward.

Those who voted for mr Pfister are, messrs Breedin, Chamberlain, Drish, Hall, Massey, Perkins, Trotter and Wilson.

Those who voted for mr Craig are, messrs Davis, King, Lee, Miree, Ross, Sumners, Tarrant and Weissinger.

Those who voted for mr Childress are, messrs Speaker, Davis, Fortson, Lockhart, M'Affee, Moffett, Morrisette, Williams and Witherspoon.

No one of the candidates having received a majority of the votes, the House proceeded again to the election, the same persons being again in nomination.

Those who voted for mr Ford are, messrs Brickell, Brodnax, Carmack, Coker, Cook, Devereux, Flemming, Flournoy, Graham, Herbert, Houston of L. Hudson of F. Keener, Mason, Oliver, Porter, Reaves, Richardson, Rugeley, Saunders, Simmons, Ware and Young.

Those who voted for mr Crompton are, messrs Earle, Goodrich, Hill, Hudson of J. King, Lusk, M'Affee, Norwood, Rather and Rhodes.

Those who voted for mr Horn are, messrs Carithers, Hollis, Houston of m. Hubbard, Johnson, Musgrove, Ormond, Stewart, Thompson, Walker and Ward.

Those who voted for mr Pfister are messrs Chamberlain, Drish, Hall, Massey, Perkins, Trotter and Wilson.

Those who voted for Mr Craig are, messrs Davis Lee, Miree, Ross, Sumners, Tarrant, Weissinger and Williams.

Those who voted for Mr Childress are, messrs Speaker, Breedin, Creagh, Fortson, Lockhart, Moffett, Morrisette and Witherspoon.

No one of the candidates having received a majority of the votes, the House proceeded to the election, the same persons being in nomination.

Those who voted for Mr Ford are, messrs Breedin, Brickell, Brodnax, Carmack, Coker, Cook, Devereux, Flemming, Fournoy, Graham, Hall, Herbert, Hollis, Houston of L. Houston of m. Hudson of F. Keener, King, Massey, Mason, Oliver, Porter, Rather, Reaves, Rhodes, Richardson, Rugeley, Saunders, Simmons, Ward, Ware and Young.

Those who voted for Mr Crompton are, messrs Speaker, Earle, Goodrich, Hill, Hudson of J. Norwood and Trotter.

Those who voted for Mr Horn are, messrs Carithers, Hollis, Houston of m. Hubbard, Johnson, Musgrove, Ormond, Stewart, Thompson and Walker.

Those who voted for Mr Craig are, messrs Davis, Lee, Miree, Ross, Sumners, Tarrant and Weissinger.

Those who voted for Mr Childress are, messrs Chamberlain, Drish, Fortson, Lockhart, Moffett, Morrisette, Perkins, Williams, Wilson and Witherspoon.

The name of Mr Horn being withdrawn, no one of the candidates having received a majority of votes, the same persons except Mr Horn were again in nomination.

Those who voted for Mr Ford are, messrs Breedin, Brickell, Brodnax, Carmack, Chamberlain, Coker, Cook, Devereux, Flemming, Fournoy, Graham, Hall, Herbert, Houston of L. Houston of m. Hudson of F. Johnson, Keener, King, Massey, Mason, Morrisette, Musgrove, Oliver, Ormond, Porter, Rather, Reaves, Rhodes, Richardson, Ross, Rugeley, Saunders, Simmons, Walker, Ward, Ware and Young.

Those who voted for Mr Crompton are, messrs Speaker, Carithers, Earle, Goodrich, Hill, Hollis, Hubbard, Hudson of J. Lusk, M'Affee, Norwood, Stewart and Thompson.

Those who voted for Mr Craig are, messrs Davis, Lee, Miree, Sumners, Tarrant, Trotter and Weissinger.

Those who voted for Mr Childress are, messrs Creagh, Drish, Fortson, Lockhart, Moffett, Perkins, Williams, Wilson and Witherspoon.

Mr Ford having received a majority of votes, Mr Speaker therefore declared him duly elected, was qualified and entered upon the discharge of the duties of his office.

The House then proceeded to the election of a Doorkeeper. John Tatom alone being in nomination.

Those who voted for Mr Tatom are, messrs Speaker, Breedin, Brickell, Brodnax, Carmack, Carithers, Chamberlain, Coker, Cook, Creagh, Devereux, Drish, Earle, Flemming, Fournoy, Fortson, Goodrich, Graham, Hall, Herbert, Hill, Hollis, of L. Houston of m. Hubbard, Hudson of F. Hudson of J. Johnson, Lee, Lockhart, Lusk, M'Affee, Massey, Mason, Miree, Moffett, Morrisette, Musgrove, Norwood, Oliver, Ormond, Perkins, Porter, Rather, Reaves, Rhodes, Richardson, Ross, Rugeley, Saunders, Simmons, Stewart, Sumners, Tarrant, Thompson, Trotter, Walker, Ward, Ware, Weissinger, Williams, Wilson, Witherspoon and Young.

Mr Tatom having received all the votes given, was declared duly elected Doorkeeper to this House, was qualified and entered upon the discharge of the duties of his office.

The house then proceeded to the election of Messenger. James Rather and W. Miller being in nomination.

Those who voted for mr Rather are messrs Speaker, Breedin, Brodnax, Chamberlain, Coker, Cook, Creagh, Davis, Devereux, Drish, Earle, Fleming, Hall, Hill, Houston of L. Houston of m. Hubbard, Hudson of F. Keener, Lee, Lockhart, Mason, Miree, Morrisette, Ormond, Perkins, Porter, Rather, Reaves, Rhodes, Ross, Rugeley, Saunders, Simmons, Stewart, Sumners, Tarrant, Ward, Ware, Weissinger, Williams and Wilson.

Those who voted for mr Miller are, messrs Brickell, Carmack, Carithers, Flournoy, Fortson, Goodrich, Graham, Herbert, Hollis, Hudson of J. Johnson, King, Lusk, McAfee, Massey, Moffett, Musgrove, Norwood, Oliver, Richardson, Thompson, Trotter, Walker, Witherspoon and Young

Mr Rather having received a majority of votes, mr Speaker therefore declared him duly elected Messenger of this House, was qualified and entered upon the discharge of the duties of his office.

On motion of mr Williams : *Resolved*, that the present rules which were adopted for the government of the House at the last session, be adopted for the present session until otherwise altered, and that eighty copies thereof be printed for the use of the House.

A message was received from the Senate by mr Connor, their Secretary: mr Speaker—I am instructed by the Senate to inform the House of Representatives that they have organized their body by electing the honorable Levin Powell President, Charles D. Connor Secretary, David S. Morton Assistant Secretary, and John Brown Doorkeeper, and are ready to proceed to business. They have adopted the following resolution in which they ask the concurrence of the House : *Resolved*, that a committee be appointed to wait on his excellency the Governor, and inform him of the organization of the two Houses of the General Assembly, and of their readiness to receive any communication which he may wish to make, and have appointed messrs Hogan and Vining a committee on the part of the Senate. *Ordered*, that the house concur in said resolution ; whereupon, messrs Creagh, Weissinger and Hudson of F. were appointed said committee.

On motion of mr Hudson of F. : *Resolved*, that the Senate be informed that this House has been organized; that they have elected Samuel W. Oliver Speaker, Thomas B. Tunstall Principal Clerk, Nathaniel Norwood Assistant Clerk, Francis H. Ford Engrossing Clerk, John Tatom Doorkeeper, and James Rather Messenger ; and are ready to proceed to business. *Ordered*, that the clerk acquaint the Senate therewith.

On motion of mr Brodnax : *Resolved*, that the editors of the several newspapers published in the town of Tuscaloosa be admitted a seat within the bar of this House for the purpose of taking notes of its proceedings.

On motion of mr Musgrove : *Resolved*, that the following standing committees be appointed, to wit :

- A committee on privileges and elections.
- A committee on propositions and grievances.
- A committee on enrolled bills.
- A committee on inland navigation.
- A committee on roads, bridges and ferries.
- A committee on ways and means.
- A committee on the military.
- A committee on lands appropriated for internal improvement.
- A committee on the judiciary.
- A committee on county boundaries.
- A committee on education.

A committee on accounts.

A committee on divorce and alimony.

A committee on the State Bank.

A committee on the State Capitol.

A committee on Indians and Indian affairs, and in relation to lands in possession of Indians within the chartered limits of this State.

And then the House adjourned until to-morrow, 10 o'clock, A. M.

Tuesday, Nov. 6, 1832.—Mr Rhodes introduced a bill to be entitled an act to establish a branch of the bank of the State of Alabama in the Tennessee Valley ; which was read and ordered to a second reading to-morrow.

On motion of Mr Massey: *Resolved*, that the committee on county boundaries be instructed to inquire in the expediency of laying off that part of the State of Alabama now occupied by the Creek Indians into counties, with leave to report by bill or otherwise.

Mr Hubbard presented the report of the Tuscumbia, Courtland and Decatur Railroad Company. *Ordered*, that said report lie on the table, and that one hundred and fifty copies be printed for the use of this House.

Mr Creagh from the committee appointed to wait on his excellency the Governor and inform him that both Houses of the General Assembly have organized themselves, and are now ready to receive any communication he may think proper to make, reported that they have performed that duty, and have received for answer that he would communicate in writing at the hour of 11 o'clock this day. *Ordered*, that said report lie on the table.

On motion of Mr Williams: *Resolved*, that the cashier of the bank of the State of Alabama furnish this House with a statement of the amount of interest arising from the funds of the University of Alabama since it has been invested in the State Bank; what amount has been applied to the credit of the University fund, and what has been vested as a revenue fund for the benefit of the State.

On motion of Mr Musgrove: *Resolved*, That in addition to the number of standing committees already adopted by this House, there be a committee on public printing; also, a joint committee on the Comptroller's and Treasurer's offices.

On motion of Mr Wilson: *Resolved*, That the committee on the State Bank be instructed to inquire into the expediency of so amending an act entitled an act to establish a State Bank, approved December 14th, 1823, as to allow the Trustees of the University of Alabama the nett proceeds of the banking dividend declared by the State Bank on the University funds vested in State stock and employed in said State Bank; and also, to provide for the further investment of said University fund in State stock.

Mr Breedin introduced a bill to be entitled an act to incorporate the subscribers to the Union Bank of Alabama; which was read. *Ordered*, That said bill lie on the table, and that two hundred copies be printed for the use of the House.

On motion of Mr Williams: *Resolved*, That a committee of seven members be appointed, one from each judicial circuit, to prepare and report a bill to this House to divide the State into five congressional districts; whereupon Messrs Williams, Creagh, Herbert, Mason, King, Cook and Hudson of F. were appointed said committee.

Mr Rather offered the following resolution: *Resolved*, The Senate concurring, that the committee on accounts of the House of Representatives, and the committee on accounts of the Senate, be a joint committee. Mr Hubbard moved that the resolution lie on the table; which was carried.

Mr Oliver introduced a bill entitled an act to repeal in part an act to pre-

vent the introduction of slaves into Alabama, and for other purposes; which was read and ordered to a second reading.

On motion of Mr Drish: *Resolved*, That the judiciary committee be instructed to inquire into the expediency of laying off the State into six judicial circuits.

Mr Hubbard introduced a bill to be entitled an act to amend the charter of the Tuscumbia, Courtland and Decatur Railroad Company; which was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and referred to the committee on inland navigation to consider and report thereon.

A message was received from his excellency the Governor, by James I. Thornton, Secretary of State, which is as follows:

EXECUTIVE DEPARTMENT, *Tuscaloosa*, 6th Nov. 1832.

To the Hon. the Senate and House of Representatives:

FELLOW CITIZENS: I offer you my respectful salutations on the occasion of your convening once more, to superintend the affairs of the republic.

Distinguished as you have been, by the confidence of the people, in being selected to fill and conduct the legislative branch of the government, you cannot fail to be duly impressed with the importance and magnitude of the trust confided to your hands. Charged with whatever will advance the interest and promote the prosperity of your constituents, the conviction cannot be too sensibly felt, that these great objects can be accomplished only by permitting a spirit of frankness and liberality to preside over your deliberations. If we are under an injunction which, above all others, should be implicitly obeyed, it is that we should cause the strife and contention, which are too often awakened in our popular elections, to give place, while here, to liberal and enlightened views of public policy, and to the dignified and elevated purpose of adopting such measures as will redound to the happiness of our common country. Sent up by the people to sit in the temple which they have dedicated to civil liberty, we should be as free from the passions of discord and party animosity as when convened to worship in the temples of our religion.

You have been called together earlier than the period of your annual session, to enable you to supply any defects which may be found to exist in the laws regulating the election of President and Vice President of the United States. By the third section of the act of the 26th December, 1823, entitled "an act to provide for choosing electors of President and Vice President of the United States," which section is continued in force by the act of the 27th December, 1827, it is provided that "each ticket shall not contain more than five names, and should there be any such, the first five names on any such ticket shall be considered the only persons voted for." This provision, which was only intended the better to inform the people of the number of electors they had a right to choose, has excited apprehensions in the minds of many, that unless it be repealed, Alabama may be defeated in giving her full complement of votes at the approaching election of President and Vice President of the United States.

My attention was directed to this subject shortly after the adjournment of the General Assembly, and I could not perceive that any further legislation was necessary. The power to apportion representatives among the several States is vested exclusively in Congress, and the constitution provides that "each State shall appoint in such manner as the legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in Congress," &c. It is obvious that a State has no authority to designate the number of electors; and its legislative action must be confined to the manner of choosing them. Though I have discovered no reason to doubt the correctness of this opinion, I have felt myself constrained, as well by the wishes of a respectable portion of our constituents, as by the importance of the subject, to convene the Legislature at this time, and thereby to remove whatever of doubt or uncertainty may be supposed to exist. I therefore recommend an immediate repeal of the section of the act before referred to.

The blessings of health and abundance of the comforts of life during the present year, have been enjoyed in every section of the State. The seasons have been propitious to the labors of the husbandman. The crop of our great staple has been abundant, showing a considerable increase over that of former years, and promising to command a price that will justify a still further extension of its cultivation. Schools and academies have been established in every county, and almost every neighborhood,

evinced that the cause of education has taken strong hold upon the affections of the community, and demonstrating how highly they appreciate it as the great safeguard of civil liberty. Religion too has shed her mild and benevolent influence over the land, and has sent forth to our people, to fill up the measure of their prosperity, the consolations of the gospel. These favors demand our gratitude to their Great Author, to whom our prayers should be offered for a continuance of those blessings by which we are distinguished above all the nations of the earth.

The improvements made in our judiciary at the last session, by the establishment and organization of a separate Supreme Court, promises all the beneficial results which the advocates of that measure anticipated. The quantity of business disposed of at the last term, which was protracted to a period of seven weeks, furnishes satisfactory assurance that the evils which had grown out of an undue accumulation of causes will be speedily removed, and in a short while, neither tardiness nor uncertainty in the administration of justice will be a subject of complaint.

The Solicitors of the several circuits should be placed on a more respectable footing. The enforcement of the criminal law depends principally upon these officers, and their compensation should be equal to the arduous duties they are required to perform. Their salaries are but little more than nominal, and experience proves that their fees cannot be collected, on account of the insolvency of the persons whom they prosecute to conviction. I submit to the Legislature whether it will not be expedient to provide for their more adequate remuneration out of the fines and forfeitures collected in the several circuits. As these are secured by the services of the Solicitors, they constitute an appropriate fund out of which they should be paid. This plan comes strongly recommended by the consideration that while it furnishes the means of rewarding a valuable class of public officers, without resorting to the State treasury, it will have the effect, by stimulating their zeal in conducting prosecutions, of increasing the available funds of the several counties.

The period is auspicious for entering upon a thorough revision of our Criminal Code. This task is urged by so many considerations of policy, of justice, and humanity, that I am persuaded it will be no longer delayed. The punishment which our laws attach to a variety of offences is confessedly too severe. There are no less than twenty-one different offences for the perpetration of which the punishment of death is inflicted; twenty-one by whipping; four by the pillory; and four by branding. Human life is the gift of God, and cannot be lawfully taken, but upon the most urgent and imperious necessity; and the whipping post, the pillory, the branding iron, and all such instruments of savage and barbarian cruelty, accord neither with the enlightened and humane spirit of the age, nor with the principles of our free institutions. Vindictive and cruel punishments, so far from preventing, operate to multiply offences, as the history of all civilized nations demonstrates. The Legislature may pass laws of revolting severity, but there is an abiding sense of tenderness and justice in the breasts of juries that will rescue the greater part of those who are sought to be made their victims. The difficulties to be encountered in meteing out to each grade of offence the proper degree of punishment, have long excited the solicitude and engaged the attention of the jurist and statesman. No near approach was made to this desirable consummation until the expedient was resorted to of establishing houses of correction, in which labor and imprisonment, for all but the most heinous offences, were substituted for every description of punishment. In the establishment of the penitentiary system, the hopes of the philanthropist have been realized, and it is one among the improvements of the age, which illustrates the triumphs of wisdom and humanity, of liberty and justice over the maxims of ignorant and barbarous times. In those States which have adopted this mode of punishment, it is found to be not only more effectual than any other in correcting the vicious disposition of offenders, but serves in an eminent degree, to deter others from the commission of crime. Instances are numerous of convicts, particularly young men, having been restored to their friends completely reformed, and qualified by a course of moral and religious discipline, to become useful members of society. The expense to be incurred in erecting the necessary buildings forms a common objection to the system, but this has been successfully met where the experiment has been made. — The amount which will be realized from a judicious employment of the prisoners in mechanical labor, will not only defray all current expenses, but will yield an annual revenue which, in a few years, will refund, with interest, whatever sum may be advanced in the first instance. Money can now be obtained at moderate interest, and twenty or thirty thousand dollars will be sufficient to effect this great and salutary change in our criminal jurisprudence; a change demanded by morality and religion, and by a tender regard for human life. The long list of offences made capital by our laws, should no longer be permitted to blot the pages of our statute book.

In times of peace, it is not expected, nor is it deemed practicable, to discipline the militia so as to change their character of raw troops, when called into active service. The partial instruction and information they receive by being occasionally collected at the muster field, do not even tend to qualify them for the stern duties of the soldier. These musters should be held chiefly with the view of ascertaining the actual strength of the several corps, and of enabling the officers to obtain an intimate knowledge of the changes that are constantly taking place, so that they could, at all times, be prepared to make such returns as would show the precise number of men capable of bearing arms. Our militia laws are defective in this particular, and should be amended without delay. The duties of all company officers as well as those of higher grade, in regard to making their regular returns, should be plainly and clearly laid down, and enforced by suitable penalties. We are liable to other emergencies than those which may arise from the appearance of a foreign enemy, and which can only be met by the prompt and energetic movements of the militia. We have not heretofore received from the general government more than half the quantity of arms and equipments we are entitled to, and this loss is to be ascribed entirely to a failure to make correct returns to the War Department.

The University is prospering in a manner to equal the sanguine expectations of the public. The difficulties of its commencement and organization have been overcome, and its operations for the first year have been conducted with an ability and a devotion to its interests, which fully justify the selection made by the Trustees, of the eminent and distinguished gentleman whom they placed at its head, and also, of the learned professors who are associated with him. The first public examination of the students was highly satisfactory; showing that they had attained a proficiency which could result only from a close and diligent application to their scientific labors. The future hopes of the State rest upon this institution, and whatever is connected with its welfare should, at all times, claim the earnest attention of the General Assembly. While its immediate direction is the appropriate task of the faculty and trustees, that of preserving and managing its funds devolves on the legislature. By an existing law, the moneys arising from the sale of the University lands, are directed to be loaned to the Bank at an interest of six per cent. The profits arising from this fund greatly exceed this amount, and in justice, should be placed to the credit of the institution. The University and three per cent. fund, together with the unexpended balance of the revenue, constitute no inconsiderable portion of the capital of the Bank, and there is no reason why the profits of one should be appropriated to swell the amount of the other. The faith of the State is pledged to apply the proceeds of the sales of these lands to the support of "a seminary of learning," which being for the benefit of the people, the obligation is no less imperative to apply to the same object the profits which they annually yield.

The affairs of the State Bank continue to be managed with a prudence and devotion to the true objects of its institution that are not surpassed by those which have characterized its former administration. Its accommodations have been as extensive as a proper regard to its interests would permit. Much credit is due to the present Board of Directors for the perfect impartiality which has been conspicuous in all their transactions with the customers of the Bank. In discharging the trusts connected with their situation, they have sedulously prevented political considerations, which have been so injurious to similar institutions, from exerting any influence over their councils. Such has been the success which has attended the operations of this institution that it has secured public confidence, and fully justified the favorable anticipations of its authors.

The damages allowed by law on the non-payment of domestic bills of exchange, whether they be the property of the Bank or of individuals, are believed greatly to exceed any injury that can arise from a failure to make prompt payment. This species of commercial paper was originally a contrivance among merchants to transfer, without hazard or expense, their funds from one foreign country to another. In all such transactions disappointment would be likely to involve the ruin of the purchaser, and in order to guard against such disasters high damages by way of penalty were allowed. Upon inland bills, or such as are payable in the State, no such injurious consequences are to be apprehended; and five per cent damages would afford ample indemnity for any inconvenience that might be felt from a failure of payment. It is worthy of inquiry whether the costs of suits, founded on bills, are not unreasonable? By the present law and the practice of the Courts, a separate action is authorized against each individual whose name appears on the bill, and the drawer, who is the real debtor, is compelled to pay the costs of three or four suits instead of one. This has long been felt as a grievance, and its removal has not been attempted from the

supposed impracticability of consolidating these several actions into one. I am persuaded that this can be effected without any difficulty or inconvenience whatever. Let a notice issue to each of the defendants, as branch writs are now issued, and when returned, let one judgment be rendered against them as joint debtors, which is in fact their true character. Thus a multiplicity of suits would be avoided, and great expense saved to the parties, without affecting the interest of the Bank or other plaintiffs.

The increased and rapidly increasing productions of the State, and the corresponding growth and extension of her commerce, require a considerable addition to the circulating medium of exchange. The want of this article is seriously and injuriously felt in the Tennessee Valley as well as in the South. At the former place, the embarrassments growing out of the inability of the State Bank to supply the necessary demands of the people, have been increased by the policy which has determined the Branch Bank of the United States at Nashville, to withhold its usual and customary accommodations. The expediency of locating a Branch of the State Bank in that quarter, with an adequate capital, cannot be questioned. The want of banking facilities in the city of Mobile, is constantly becoming more and more apparent, and the inconvenience and distress which it has produced there, in the commercial community, is already visible in the interior. This being the great mart of South Alabama, its commerce is intimately connected with the interests of agriculture, and whatever depression is experienced by one, will be speedily communicated to the other. Embarrassment in the money market, there, though its disasters are first seen in the business of merchants and commercial men, yet like a pestilence, it gradually spreads over the country till it reaches every farm and almost every individual. The fact that large quantities of our cotton are purchased on speculation for the New Orleans market, proves incontestibly that its price is diminished in Mobile by a deficiency in the banking capital of that place, to the great injury of our planters. The annual business transactions of this our only sea port, amount to eleven millions of dollars, while its banking capital, (the capital of the Mobile Bank,) does not exceed half a million. The United States' Branch Bank has no fixed capital, and its issues have at no time been over a million and a half of dollars. The accommodations of this institution have at all times been fluctuating and irregular, and from the determination manifested, to wind up its concerns, it cannot be relied on in future. Whether the increased circulation is to be furnished through the medium of Branches of the State Bank, or by granting charters of incorporation to private companies, must be determined by the wisdom of the General Assembly. The establishment of individual Banks is doubtless authorized by the constitution, and the preference which is claimed for them over others is urged with much confidence by men whose experience and intelligence entitle their opinions to great respect. At an early period it was determined that a State Bank, unconnected with the interest and free from the management of private individuals, comported best with the security of the community, and it must be conceded that the lessons we have derived from our own experience, tend powerfully to confirm the wisdom of this policy.

The charter of the Union Bank of Louisiana presents a plan, the prominent features of which are novel in the history of banking institutions, and so extensively has it met the approbation of our citizens, that it has been strongly recommended as a model worthy the imitation of Alabama. The provisions of this charter which present the strongest claims to our favor are the following—The capital is to be obtained by loan, for the ultimate payment of which, the faith of the State is to be pledged.—The State is to be secured against this responsibility by mortgages upon the real estate of the Stockholders who are to be entitled to a credit in the Bank to an extent equal to half the amount of their stock, which they can at all times obtain by giving their bonds or notes. This sum is to be paid with interest in twenty years, by equal annual instalments. Individuals, not stockholders, may borrow money on mortgage, to be paid with interest, in eight annual instalments. The opportunity which this scheme affords of becoming owners of stock without advancing any money, and of obtaining loans on long credit, is well calculated to recommend it to all men of property and capital. Without discussing the merits of this charter, it occurs to me, that the uncertainty in the price of real estate, in this country, would render it difficult, if not impracticable, to afford the State indemnity from this source. In Louisiana, this kind of property, the sugar estates especially, has a permanent and fixed value—but here the case is quite different. It would be impossible to determine what would be the value of a particular plantation or tract of land, at the end of twenty years. As the capital is to be obtained on the credit and responsibility of the State, it would seem that the profits should be applied to the benefit of the people. In any plan

that may be adopted, our views should be limited to the two great objects of furnishing the necessary amount of circulation, and of guarding the public against the evils of depreciation. No institution should be established that would foster a spirit of speculation, or hold out inducements to the planting community to increase their property by borrowing money;—for all experience proves that nothing is more injurious to their interest or fatal to their prosperity. The best protection which can be given to agricultural labor, is to furnish facilities of obtaining for its productions, an adequate price. The preference which we have heretofore given to a State Bank over private incorporations, is eminently justified by the success which has attended its operations, and it should not be yielded to any novel and untried experiment, unless its superior advantages were obvious and certain. If the policy of supplying the circulation through the State Bank and its branches be continued, I anticipate with confidence that, at no distant period, it will provide a revenue sufficient to defray the expenses of the government, and thereby relieve our citizens from the burdens of taxation.

The act of the last session, extending our laws over the Indians has, in conformity with its directions, been distributed among such portions of the several tribes as reside within the limits of the State. Prudent and discreet agents were selected to execute this trust, who were specially instructed to observe in their intercourse with these people, a conciliatory course of conduct, and to do nothing which might tend to produce irritation, or to increase the discontent which was known already to exist. They met with no opposition, but were generally received with kindness and entertained with hospitality.

On the 22d of March of the present year, a treaty was concluded by the Secretary of War, with the Creek Indians, by which they ceded to the United States all their lands east of the Mississippi river. The territory acquired by this treaty lies within the limits of Alabama, and her right of jurisdiction over the inhabitants will henceforth be relieved of all doubt or embarrassment which was supposed to grow out of the relations between the general government and the Indian tribes. The duty will devolve on you at the present session, to lay it off into suitable and convenient counties, and to establish a system of county organization, so that the protection, as well as the wholesome restraints, of our laws may be speedily introduced.

This picturesque and beautiful country has long been the subject of admiration by our citizens as well as strangers, and its agricultural advantages, its fertile soil and pure atmosphere, constitute it the most desirable section of the State, and render it equally attractive to the rich and the poor.

No means are at hand, by which I can ascertain the precise extent of these lands, but it is believed they will contain not less than four counties. The large amount of staple articles that will annually be produced here, and the obstructions in the only stream by which they can be conveyed to market, will demand the early and earnest attention of the Legislature. Hitherto the claims which the counties of Shelby and St. Clair have pressed, to be placed, in regard to their navigation, on an equality with other portions of the State, have not been sufficient to reinstate the liberal policy that distinguished our early legislation, and to which we are indebted for all our valuable public institutions.

To these claims will now be added those of the settlers of this contiguous and newly acquired territory, and they will continue to be urged with a perseverance that will be constantly stimulated by the difficulties of their situation, and by the losses they will always be liable to and often sustain, in transporting their produce to the city of Mobile.

As often as their just demands upon the legislature to intercede in their behalf shall be objected to or refused, they will renew them with the unanswerable argument, furnished by the splendid work now in progress on the Muscle Shoals. They never can be brought to comprehend the force of the reasons which have induced the legislature to withhold from them the just and liberal policy which has conferred such lasting and incalculable benefits on their brethren of the Tennessee Valley. The true character of the Coosa Canal, as it is familiarly called, as a work essential to the defence of the country, cannot be better described than it was in a memorial adopted by the legislature in January, 1829.

This document, among other things, sets forth, "that in the event of a war with a great naval power, and in the event of an attack upon New Orleans, Mobile must at all events be defended, and it is of the utmost importance to the nation that an army stationed there must be supplied. Such a communication would enable the government to furnish supplies of troops, munitions, &c. with great facility, whilst experience has taught us that without such direct communication, such needful supplies are

difficult to be obtained, and when had, the expense would be immense in proportion to what it would be were the proposed communication made." The memorial further states that little doubt is entertained, "but that more would be saved to the nation in one year's war, than the general government would realize, from the present expensive land system, out of all the lands situated in Alabama, and which are now to be sold."

It is understood that many of those who were most zealous in procuring the passage of this memorial, while they admit the facts therein stated—while they acknowledge that the work is necessary to build up the defences of the country,—think now that the government has no constitutional power to appropriate towards its completion any of its wild lands. Congress have "power to make all needful rules and regulations respecting the territory or other property belonging to the United States," and the conclusion which has been attained, that they have no authority to make such a grant of a part of the waste lands in Alabama, as "would save in one year's war," more than the whole could be sold for, is to me somewhat singular.

Mr Jefferson during his administration, repeatedly urged upon Congress the policy and expediency of settling "the whole ungranted territory of Orleans, by donations of land to able bodied young men, to be engaged and carried there at the public expense." These recommendations were made with the view of planting there, a population that would be sufficient at all times, for the defence of New Orleans. The position, therefore, that Congress has no power to make the appropriation contended for, can receive no countenance or support from the opinions of this illustrious statesman, nor from the republican doctrines which characterized his administration. A grant of tracts of the public domain, or a sale of them at reduced prices, either to States or individuals, raises no constitutional difficulty, and involves no other than a mere question of political economy. The error which it is believed has induced many worthy and respectable citizens to oppose constructing the projected improvement by means furnished from the public lands, arises from confounding this species of federal property with the public revenue. Waste lands are not revenue, but a source whence revenue is to be derived; and whether it be collected by actual sale for the highest price, or through the medium of taxation, imposed indirectly on the proceeds of its active and profitable cultivation, is a question which the government, at all times, is competent to determine. If their settlement and cultivation would add, as they certainly would, to the permanent, pecuniary and defensive resources of the country, they should be encouraged by liberal donations, and by a considerable reduction in their price. The benefits to be derived from rendering the Coosa river navigable, and of opening such channels of communication, as would render it accessible to the States of Virginia and Tennessee, are undoubtedly such as were portrayed in the memorial of 1829, and would furnish resources in times of difficulty and danger, incomparably more valuable than any amount which could be extorted from our people, by subjecting them to the process of auction sales. Deeply penetrated with the conviction, that this work is demanded by the best interest of the State and of the general government, I recommend that an application be made to Congress for a sufficiency of the unappropriated lands to accomplish it. The donation should be made with the condition annexed, that the settlers be permitted to purchase of the State at the government price.

In connexion with this subject, "a bill to appropriate for a limited time, the proceeds of the sales of the public lands of the United States," which was passed through the Senate, at the last session of Congress, cannot fail to engage your attention. By the provisions of this bill, the moneys hereafter arising from the sales of these lands, are to be distributed among the States according to their federal representation, and applied to objects of internal improvement, education, the colonization of free negroes, &c. The principles and the objects of this bill, should receive from all the States which contain this species of public property, their marked and decided disapprobation. This plan would not only prevent, forever, any reduction in the price of the public land, but would cause it to be sold for the largest possible amount. Vesting as it does, a peculiar pecuniary interest in each State, in the soil which should be our own and thereby holding out the strongest temptation to exact from the settlers the last farthing which their situation might constrain them to give, almost every dollar of which they would otherwise apply to the purposes of cultivation, would be swept from them and borne away to the national capital to be scrambled for. It is obvious that the new States would be the principal purchasers under this scheme for high prices, and the douceur of 10 per cent. so kindly offered to them, would be but a partial restoration of their own money.

But there are thousands of honest men who would not be able to purchase at all.

and themselves, and families would be doomed to gain a scanty subsistence by temporary settlements upon the public lands, from which they would be driven at every successive land sale. An official statement made in 1828, under the direction of Congress, shows that the number of non-freeholders in the new States and territories, amounted to 140,000 men. Most of them, it is presumed, were unable to purchase land at the present price.

In the United States, it may be assumed that the male adults constitute not more than one-fifth of the whole population. These freemen, then, and their families, amount to 700,000 souls. Ought this immense population, whose pursuits are agricultural, to be kept in a migratory condition, when the government owns in the States and Territories 340 millions of acres of wild land? They should have an abiding place on the soil which was won by the valor of their ancestors, and which they would be the first to defend with their blood. Make them, even by donations, permanent and independent freeholders, and in times of need the wisdom of this policy would be made manifest by the strong arm which they would stretch forth to the government for its defence.

The line which separates this State from Georgia has not as yet been established. The attempt heretofore made to effect this desirable object, was unsuccessful, and the views of the parties are so materially variant that it is presumed any similar effort would be equally unavailing. A considerable portion of the lands, involved in this controversy, are valuable; but this consideration is of little consequence when compared with those which should form the principal inducement to its speedy and amicable adjustment. The whole of the Indian title being extinguished, perplexing and embarrassing questions of jurisdiction may be expected to arise, which would tend to hinder the administration of justice, bring the citizens of each State into frequent and unpleasant collisions, and possibly interrupt the harmony and good understanding which it is the desire as well as the interest of both to cherish and cultivate. The whole difficulty arises from the doubtful construction of the articles of agreement and cession entered into between the United States and the State of Georgia in April, 1802; leaving it uncertain from what point on the Chottahoochee river the line should be run to Nickajack, on the Tennessee river. A personal examination of the country is not necessary to a solution of this question, and I respectfully suggest whether it would not be advisable to submit a proposition to Georgia to refer it to the umpirage of distinguished individuals not citizens of either State.

The protective policy of the General Government has produced in the Southern States a deep and settled discontent, which no patriot can regard with indifference. It is not a sudden or factious feeling caused by imaginary evils, but a firmly rooted dissatisfaction, originating in a strong and clear sense of injuries inflicted on their constitutional rights.—It is in vain to attempt to divert them by the sophistry which claims the power of controlling and regulating the industry of the country, from the constitutional grant to levy duties, &c, and to regulate commerce. It is a pretext, and nothing but a pretext, for perverting the taxing power to purposes of undisguised injustice. Nothing is better understood by the American people, of all classes, than that the proper object of taxation is to defray the necessary expenses of the government, and that the power to regulate commerce was conferred to afford protection to our rights as a nation in our foreign intercourse. In the pure days of the republic, it was not supposed that the extraordinary pretension would be set up of overcoming the natural inequalities of the different sections of the Union, by an arbitrary transfer of the profits of labor, from one to the other; nor was it anticipated that particular branches of industry would be sustained at the expense and to the detriment of others. Yet all this has been done with an extravagance which shows that patriotism has but little connexion with this policy, and that avarice is the great agent which has been at work in establishing a preference for individual benefit over the general prosperity. This partial and unjust legislation in the national government is hastening a crisis in our affairs which involves in its consequences the dissolution of the Union. How to avert an event so disastrous, and to have restored to us our constitutional rights, is the great question now before us, and those who attempt its solution should endeavor to discard the prejudices which have been engendered by a sense of accumulated wrongs. If anything of feeling be mingled in our deliberations on this momentous subject, let it be that feeling which glows in the patriot's bosom when he loves his country most.

It does not appear to me that the period of despair has arrived, but on the contrary, encouraging hopes are offered, that the republic will yet be saved. In the clouds which overhang the political horizon; bright spots are to be seen, which forbode that the storm is subsiding. Since the passage of the tariff bill of 1828, two attempts have been made to effect a reduction of the duties on foreign importations, both of which

have been crowned with partial success. In 1830, the reduction on the articles of salt and molasses amounted to near one million of dollars; and at the last session of Congress the reduction on protected articles, embracing those which are extensively used in the South, amounted to near two millions of dollars. The occurrences of the last session, in connexion with the bill of 1832, demonstrate that the system of protection has received a shock which should be hailed as the precursor of its final overthrow.

The debates upon this bill and the various attempts made by the most influential advocates of the manufacturing interests, to introduce amendments unfavorable to the planting States, leave no doubt that it is giving away, and that public opinion will ere long achieve for us our long lost rights.

The payment of the national debt being considered as already completed, so far as the question of reducing the revenue was concerned, we were led to believe that no pretence could be found for collecting from the people a greater amount than might be wanted to meet the necessary expenditures of the government. In this reasonable expectation we have been disappointed by circumstances which were not foreseen, and instead of being the most favorable, the last was more inauspicious to our relief than any future session of Congress will be. Among the causes which operated materially in postponing our just demands, may be classed that of the presidential election. That the hopes of one of the candidates for the office of President depend upon maintaining the American System, is too obvious to require proof.

The Tariff and the Bank questions were both made subordinate to the Presidential contest, and these measures were advocated and maintained by many of the political friends of the individual referred to, as the means of securing his election. This distinguished gentleman was himself a member of the Senate, and it was proverbial at Washington that the fate of the manufacturers was subject to his direction. All his eloquence and his influence were exerted against us.

A favorable change in public opinion is rapidly taking place in the Western States, and when the connexion shall be dissolved between the election of President and the protection of domestic industry, the principles of free trade will be triumphant in despite of the combined and concentrated opposition of the restrictionists. It is impossible that the inconsiderable number who are interested in manufactures in the west can for any length of time, continue the delusion over the great mass of the community, by which they have been induced to support a policy so injurious to their interest.

Should the decision of the people, which is at hand, be in favor of the administration of General Jackson, our cause will receive an auxiliary in that illustrious citizen, whose influence his opponents know well how to estimate, and whose patriotic exertions in favor of constitutional liberty they cannot counteract. He has already rebuked the spirit of monopoly which has for some time been predominant in the national councils, and proclaimed his determination to bring back the government to the true principles of the Constitution.

If there is any foundation for the assertion that the Tariff has been considerably reduced under the most unfavorable circumstances—if the cause of the South was only partially successful at the last session of Congress, from the interest felt in, and the excitement growing out of the presidential contest—if there is any reason to believe that public opinion is undergoing a favorable change,—and if it be true that the federal executive will devote his influence and his powerful energies to sustain us in our struggle, I ask if this is the time to despair, and if patriotism does not forbid that we should enter upon any rash and untried expedient that may lead to a dissolution of the Union and the destruction of our liberties? All that is necessary is to be united, and to persevere with firmness in adopting such measures of redress as are recognized by the Constitution. Nothing is more to be deplored than the divisions which have sprung up amongst us, as to the means which should be adopted to obtain redress, destroying, utterly destroying, that unanimity of sentiment and concert of action, without which we have every thing to dread, and but little to hope.

A portion of our Southern brethren, smarting under a sense of the outrages which have been inflicted upon their rights, and rendered almost desperate by what they believe the utter hopelessness of their condition, have conceived the idea of working out their own salvation by the application of a principle to our system of government, novel in its character, heretofore untried and undiscovered, and believed by a large majority of the people, to be essentially revolutionary.

So much has been said upon the subject of nullification, that the argument for and against it has been exhausted, and it would only be an intrusion on your time, and a tax on your patience, to attempt its discussion on this occasion.

The opinion I expressed on a former occasion remains unchanged. Whenever a

State shall venture upon this deplorable experiment, she will soon find that she will have to abandon the Union, or return to it with feelings of disappointment and humiliation.

If it shall be recognized as the true constitutional doctrine, that a State can remain a member of the Union, and at the same time, place her citizens beyond the reach of its laws, ours will not be the shadow of a government, and, for all practical purposes, it will be dissolved. But the strife and dissension which have been produced by the persevering efforts of the advocates of this doctrine, to gain for it the favorable opinion of the people, have been carried to such excesses, that it is already growing into an evil not less to be deprecated than the tariff itself. If the first fruits of this doctrine of peace, are deep and bitter feelings of personal hostility, furious family discords and a destruction in fact, of the peace and harmony of society, what are we to expect when it puts forth in all its vigour?

If in its process of obtaining converts, it does not exhibit all the premonitory signs of civil discord, then the pages of revolutionary history have been written to little purpose. As sure as it shall succeed, its triumphs will be stained with fraternal blood, and the proudest of its trophies will be the destruction of constitutional liberty.

If in the providence of Him who rules the destinies of nations, this bitter cup is reserved as our portion, the patriot will have cause to weep over the sacrifices made by our ancestors, and to deplore the delusion which led the gallant band of the revolution through so many scenes of difficulty and danger.

JOHN GAYLE.

Mr Norwood moved that the message lie on the table, and that five hundred copies be printed for the use of this House ; which was carried.

On motion of Mr Ormond : *Resolved*, That the committee of ways and means be instructed to inquire into the expediency of revising the revenue law of this State so as to reduce the amount of taxes now paid, and that they have leave to report by bill or otherwise.

Mr Hudson of F. introduced a bill to entitled an act, providing for the election of electors of President and Vice-President of the United States; which was read, and the constitutional rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and referred to a select committee ; whereupon Messrs Hudson of F. Ormond, Cook, Herbert and Flournoy were appointed said committee.

Mr Hubbard introduced a bill to entitled an act to reduce the costs in the Supreme Court of the State of Alabama ; which was read, and ordered to a second reading on to-morrow.

Mr Lee presented the petition of Francis L. Boutin, a citizen of Perry county, praying compensation for apprehending Mason G. Cole, charged with the murder of one William Porter, which was read and referred to a select committee consisting of Messrs Lee, Miree and Weissinger to consider and report thereon.

The House then adjourned till three o'clock this evening.

Evening Session, 3 o'clock.—Mr Hudson of F. from the select committee to whom was referred the bill entitled an act to provide for the election of electors of President and Vice President of the United States, reported a substitute in lieu thereof ; which was adopted by the House, and the constitutional rule requiring bills to be read on three several days being dispensed with, it was read a third time forthwith, considered as engrossed and passed. *Ordered*, That the title be as aforesaid. *Ordered*, That the same be sent to the Senate for their concurrence.

Mr Rhodes presented the record and proceedings of the circuit court of Morgan county in the case of John A. L. Murray against Matilda E. Murray for divorce ; which was read and referred to the committee on divorce and alimony to consider and report thereon.

And then the House adjourned till to-morrow morning at 10 o'clock.

Tuesday' November 7.—The House met pursuant to adjournment.

Robert T. Scott, a Representative from the county of Madison, appeared, was qualified and took his seat.

Agreeably to a resolution adopted on the 5th instant, Mr Speaker proceeded to appoint the following standing committees, to wit:

A committee on privileges and elections—Consisting of Messrs Rather, Coker, Carmack, Davis, Ward, Hall, Fortson, Lockhart and Lusk.

A committee on propositions and grievances—Consisting of Messrs Cook, Goodrich, Hudson of J. Lusk, Lee, Miree, Johnson and Young,

A committee on enrolled bills—Consisting of Messrs Oliver, Devereux, Earle, Porter, Stewart, Carithers and Miree.

A committee on in and navigation—Consisting of Messrs Ormond, Houston of L. Goodrich, Perkins, Saunders, Ware and Ross.

A committee on roads, bridges and ferries—Consisting of Messrs Brodnax, Hall, Hollis, Walker, Lockhart, Houston of M. and Reaves.

A committee on ways and means—Consisting of Messrs Creagh, Moffett, Herbert, Graham, Williams, Mason and Weissinger.

A committee on the military—Consisting of Messrs Flemming, Musgrove, Norwood, Massey, Saunders, Hudson of J. and Lee.

A committee on lands appropriated for internal improvement—Consisting of Messrs Hubbard, King, Flemming, Rather, Hudson of F. Stewart and Carmack.

A committee on the judiciary—Consisting of Messrs Ormond, Hubbard, Creagh, Cook, Breedin, Chamberlain, Wilson, Perkins, Mason, Graham and Houston of L.

A committee on county boundaries—Consisting of Messrs Hudson of F. Hill, Keener, Reaves, Simmons, Sumners and Thompson.

A committee on education—Consisting of Messrs Hubbard, Rugeley, Richardson, Witherspoon, Rhodes, Porter and Young.

A committee on accounts—Consisting of Messrs Moffett, Morrisette, Trotter, Flournoy, Carithers, Brickell and Davis.

A committee on divorce and alimony—Consisting of Messrs Flournoy, Norwood, Ross, Simmons, Sumners, Thompson and Trotter.

A committee on the State Bank—Consisting of Messrs Rhodes, Oliver, Weissinger, Breedin, Flemming, Chamberlain and Ware.

A committee on the State Capitol—Consisting of Messrs Drish, Brodnax, Earle, Fortson, Houston of M. Williams and Witherspoon.

A committee on Indians and Indian affairs, and in relation to lands in the possession of Indians within the chartered limits of the State—Consisting of Messrs Tarrant, Musgrove, Massey, Devereux, M'Affee, Johnson and Ward.

A committee on State Printing—Consisting of Messrs Brickell, M'Affee, Coker, Drish, Hollis, Hudson of J. and Keener.

A joint committee on the Comptroller's and Treasurer's offices—Consisting of Messrs King, Wilson, Richardson, Tarrant, Rugeley, Mason and Morrisette.

Mr Moffett presented the petition of sundry inhabitants of Greene county, praying the passage of a law to establish a bank in the city of Mobile; which was read and referred to the committee on the State Bank.

Mr Rather presented the petition of sundry inhabitants of Morgan county, praying the passage of a law to authorize John C. Hawkins of said county, to open a turnpike road from the line dividing Morgan and Walker counties to where Crabb's road crosses the Sipsey river; which was read and referred to a select committee consisting of Messrs Rather, Musgrove and Houston of M.

Mr Speaker laid before the House the record and proceedings of the circuit court of Lowndes county exercising chancery jurisdiction in the case of James

Mickleborough vs. Sarah Mickleboroug, for divorce; which was read and referred to the committee on divorce and alimony to consider and report thereon.

Mr Lee, from the select committee to whom was referred the petition of Francis L. Boutin, reported a bill to be entitled an act to make an appropriation to Francis L. Boutin for services rendered the State; which was read and ordered to a second reading.

On motion of Mr Hudson of F.: *Resolved*, That the doorkeeper be instructed to procure and furnish fuel and stationary for the use of the General Assembly during its present session; and also, to procure locks, and have them put to the desks for the use of the members of this House.

On motion of Mr Flournoy: *Resolved*, That the committee on county boundaries be instructed to inquire into the propriety of organizing that part of the State of Alabama lately ceded by the Choctaw Indians by dividing the same into counties, and subjecting it to the laws of the State, with leave to report by bill or otherwise.

Mr Hudson of F. introduced a bill to be entitled an act to regulate attorneys' fees on all debts in favor of the President and Directors of the Bank of the State of Alabama, collected by law; which was read, and ordered to a second reading.

Mr Hall introduced a bill to be entitled an act requiring the clerks of the county courts of the several counties of this State to make indexes, and providing fees for notaries in certain cases; which was read and ordered to a second reading.

Mr Perkins introduced a bill to be entitled an act the better to secure the funds of the University of Alabama; which was read and ordered to a second reading.

John W. Paul, a Representative from the county of Dallas, appeared, was qualified and took his seat.

Mr Weissinger presented the petition of A. P. How and William C. Wilson, citizens of the town of Louisville, in the State of Kentucky, praying compensation for apprehending Mason G. Cole, charged with the murder of Minor W. Potter; which was read together with the accompanying documents, and referred to the committee of accounts.

Mr Rugeley presented the petition of sundry citizens of Hayneville, in Lowndes county, praying the passage of a law to authorize Thomas Harrison and others to raise by lottery a certain sum of money for the purpose of building a masonic hall in said town; which was read and referred to a select committee consisting of Messrs Rugeley, Ware and Oliver.

On motion of Mr Cook: *Resolved*, That the committee on ways and means be instructed to inquire into the expediency of abolishing the poll tax.

Mr Hollis offered the following preamble and resolution: *Whereas*, the license of retailers of spirituous liquors are so exorbitant in its importations, that most of the merchants and tavern keepers have declined disposing of less quantities than one quart; *Therefore, be it resolved*, That the committee on propositions and grievances be instructed to inquire into the expediency of reducing the license of said retailers, and imposing a license on all quantities sold under one gallon, with leave to report by bill or otherwise. Mr Flournoy moved to amend the resolution by striking out the preamble; which was carried. The resolution as amended was then adopted.

On motion of Mr Sumners: *Resolved*, That the judiciary committee be instructed to inquire into expediency of so amending the present laws governing justices of the peace and constables so as to cause justices of the peace to give bond and security

Mr Trotter introduced a bill to be entitled an act to legalize and confirm the name of James S. Malone ; which was read and ordered to a second reading.

On motion of Mr Musgrove : *Resolved*, That the committee on education be instructed to inquire into the expediency of admitting such number of students from each county in the State as to them may appear most practicable and equitable, having regard to population, who shall be educated in the University of this State free of expenses, both in regard to tuition and board, for such length of time as may be found most expedient, with leave to report by bill or otherwise.

Mr Speaker laid before the House the record and proceedings of the circuit court of Mobile county, exercising chancery jurisdiction in the case of Christopher B. Collins against Bersheba Collins, as also the record and proceedings of the same court in the case of Rose Raffin against Joseph Raffin, for divorce ; they were severally read and referred to the committee on divorce and alimony.

On motion of Mr Porter : *Resolved*, That the committee on inland navigation be instructed to inquire into the expediency of appropriating a portion of the three per cent. fund to the removal of the obstructions on Tate's shoals on the Alabama river, with leave to report by bill or otherwise.

The House then proceeded to the consideration of the orders of the day.

The bill to be entitled an act to establish a branch of the Bank of the State of Alabama in the Tennessee Valley, was read a second time and referred to the committee on the State Bank.

Bills of the following titles, to wit : An act to repeal in part an act entitled an act to prevent the introduction of slaves into Alabama, and for other purposes ; an act to reduce the costs in the supreme court of the State of Alabama ; were severally read a second time and referred to the judiciary committee to consider and report thereon.

The House then adjourned to 9 o'clock to-morrow, *A. M.*

Tuesday, November 8th, 1832.—The House met pursuant to adjournment.

Mr Breedin presented the petition of Sylvaint Bodereau of the city of Mobile, praying the passage of a law to emancipate a certain slave therein named ; which was read and referred to the committee on propositions and grievances.

Mr Breedin also presented the petition of Henry Right of the city of Mobile praying the passage of a law to emancipate a certain slave therein named ; which was read and referred to the committee on propositions and grievances.

Mr Breedin also presented the petition of George Huggins of the city of Mobile, praying the passage of a law to emancipate a certain slave therein named ; which was read and referred to the committee on propositions and grievances.

Mr Richardson presented the petition of Reuben Tilman of Limestone county, praying the passage of a law to emancipate a certain slave therein named ; which was read and referred to the committee on propositions and grievances.

Mr Norwood presented the account of Daniel Lucas, sheriff of Jackson county ; which was read and referred to the committee on accounts.

Mr Hall offered the following : *Resolved*, That the twenty-seventh rule of this House be rescinded ; which lies over one day for consideration.

Mr Johnson presented the account of Caleb Murphey, sheriff of Blount county ; which was read and referred to the committee on accounts.

Mr Trotter presented the account of Green D. Caller, jailor of Washington county, which was read and referred to the committee on accounts.

Mr Rather, from the select committee to whom was referred the petition of John C. Hawkins, reported a bill to be entitled "an act to establish a public road from the Southern boundary line of township eight, in range four or five west of Huntsville, to where Crabb's road crosses the Sipsey," which was read a first time and ordered to a second reading.

Mr Ormond, from the committee on inland navigation, to whom was referred the bill entitled "an act to amend the charter of the Tusculumbia, Courtland and Decatur rail road company, reported a substitute in lieu thereof, which was adopted by the House.

Mr Fournoy moved to refer it to the judiciary committee, which was lost, and the rule requiring bills to be read on three several days being dispensed with, it was read the third time forthwith, and considered as engrossed.

Mr Fournoy moved that the bill lie on the table, which was lost, and the question being put, Shall this bill pass? it was decided in the affirmative; yeas 41—nays 26.

The yeas and nays being desired, those who voted in the affirmative are, Messrs. Speaker, Bretnax, Coker, Cook, Devereux, Fleming, Fortson, Goodrich, Herbert, Hill, Houston of M. Hubbard, Hudson of F. Johnson, Keener, Lee, Lockhart, Mirree, Moffett, Morrisette, Musgrove, Oliver, Ormond, Paul, Perkins, Porter, Rather, Reaves, Rhodes, Ross, Ruely, Saunders, Simmons, Stewart, Summers, Tarrant, Trotter, Ward, Ware, Williams and Witherspoon.

Those who voted in the negative are, Messrs. Breedin, Erickell, Carmack, Carlters, Chamberlain, Creagh, Davis, Drish, Earle, Fournoy, Graham, Hall, Hollis, Houston of L. Hudson of J. King, Lusk, Mason, Norwood, Richardson, Scott, Thompson, Walker, Weissinger, Wilson and Young.

So the bill passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

A message from the Senate by Mr Norton—Mr Seaker: The Senate have read three several times and passed a bill entitled "an act for the relief of Elizabeth Dade, Sarah H. Dade, and Susan T. Dade, of the city of mobile, in which they request the concurrence of the House of Representatives; they have also passed a bill which originated in the House of Representatives, entitled "an act to alter and amend the several laws of this State now in force, providing for the election of electors of President and Vice President of the United States." They have appointed a committee consisting of messrs Bridges, Edmondson and Walthall, to act with the committee appointed on the part of the House of Representatives, to examine the Comptroller's and Treasurer's offices.

The bill from the Senate entitled an act for the relief of Sarah H. Dade, Elizabeth Dade, and Susan T. Dade, of the city of mobile, was read a first time and ordered to a second reading.

On motion of Mr Johnson, *Resolved*, That the committee on propositions and grievances be instructed to inquire into the expediency of requiring the judges of the county courts of the State of Alabama, to reside at or near the seat of justice of their respective counties, with leave to report by bill or otherwise.

Mr Oliver made the following report: The committee on enrolled bills have examined and found correctly enrolled, the bill entitled "an act to alter and amend the several laws of this State now in force, providing for the election of electors of President and Vice President of the United States.

On motion of Mr Lee, *Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of passing a law allowing compensation to garnishees in certain cases.

Ordered, That mesars Lockhart, Goodrich and Tarrant be added to the committee on county boundaries.

Ordered, That Mr Paul be added to the judiciary committee

Ordered, That Mr Hudson of J. be added to the committee on inland navigation.

Ordered, That Mr Keener be added to the committee on Indians and Indian affairs.

Mr Speaker laid before the House a communication from the cashier of the Bank of the State of Alabama, in relation to the interest arising from the funds of the University of Alabama, which was read and ordered to lie on the table. *Ordered*, that seventy-five copies be printed for the use of the House.

Mr Graham introduced a bill to be entitled "an act to repeal in part an act relating to the alternating of the judges of the circuit courts of this State, approved January 21, 1832, which was read and ordered to a second reading.

Ordered, That Mr Hudson of F. be added to the committee on accounts.

Mr Simmons introduced a bill to be entitled an act for the relief of purchasers of sixteenth sections in the county of Autauga, which was read a first time and ordered to a second reading.

The House then proceeded to the consideration of the orders of the day.

The bill entitled an act to make an appropriation to Francis L. Boutin, for services rendered the State, was read a second time and referred to the committee on propositions and grievances, with instructions to report to-morrow.

The bill entitled an act to regulate attorneys' fees on all debts in favor of the President and Directors of the Bank of the State of Alabama, collected by law, was read a second time, and referred to the committee on the State Bank.

Bills of the following titles, to wit: An act requiring the Clerks of the county courts of the several counties of this State, to make indexes and providing fees for notaries in certain cases; an act the better to secure the funds of the University of Alabama; and an act to legalize and confirm the name of James S. Malone, were severally read a second time and ordered to be engrossed for a third reading.

Mr Morrisette presented the petition of John Kid of Monroe county, a purchaser of University lands, praying the passage of a law to authorize him to relinquish certain lands, which was read and referred to the committee on propositions and grievances, to consider and report thereon.

A message from the Senate by Mr Morton—Mr Speaker: The Senate have read three several times and passed a bill to be entitled an act to repeal in part an act approved January 21, 1832, entitled an act relating to the alternating of the judges of the circuit courts of this State, in which they ask the concurrence of your honorable body.

The bill from the Senate, entitled an act to repeal in part an act approved January 21, 1832, entitled an act relating to the alternating of the judges of the circuit courts of this State, was read a first time and ordered to second reading.

Mr Rugely presented the petition of James L. Cotterell, executor of James L. Cotterell, deceased, late of Autauga county, praying the passage of a law to authorize the sale of certain real estate, which was read and referred to the committee on propositions and grievances.

Mr Breedin presented the petition of Elizabeth, Sarah and Susan Dade, of the county of Mobile, praying the passage of a law to permit them to hire out their slaves, which was read and referred to the committee on propositions and grievances, to consider and report thereon.

Mr Porter presented the petition of sundry citizens of monroe county, praying that an election precinct be established at the house of Tyra Roberts, which was read and referred to the committee on privileges and elections, to consider and report thereon.

Mr Porter presented the memorial of sundry inhabitants of monroe county, praying the passage of a law to establish a Bank similar in its provisions to that of the Union Bank of Louisiana, in the city of mobile, which was read. *Ordered*, That said petition lie on the table.

Mr Breedin presented the petition of sundry citizens of the city of mobile, praying the passage of a law granting them a charter for a Bank to be located in said city, which was read and ordered to lie on the table.

The House then adjourned till to-morrow at 10 o'clock, A. M.

Friday, November 9th, 1832.—Mr Massey presented the petition of Hanibal Hays of St Clair county, praying the passage of a law to establish a ferry across the Coosa river at his residence in said county ; which was read and referred to the committee on roads, bridges and ferries.

Mr Massey presented the petition of Philip Usery, praying the passage of a law to authorize him to establish a turnpike road, beginning where the Georgia road leading from Carroll county to Alabama, is crossed by the State line ; thence to Hays' ferry on Coosa river in St Clair county ; which was read and referred to the committee on roads, bridges and ferries to consider and report thereon.

Mr Moffett presented the petition of Paul N. Cunningham of Greene county, praying the passage of a law to emancipate certain slaves therein named : which was read and referred to the committee on propositions and grievances.

Mr Herbert presented the petition of sundry inhabitants of Dallas county, praying the establishment of a bank in the city of Mobile, similar in its provisions to the Union Bank of Louisiana ; which was read. *Ordered*, That said petition do lie on the table.

Mr Herbert presented one other petition on the same subject ; which was read. *Ordered*, That the petition lie on the table.

Mr Speaker laid before the House the record and proceedings of the circuit court of Dallas county exercising chancery jurisdiction in the case of Thomas C. Christian against Jane B. Christian, for divorce ; also, the record of the same court in the case of James P. Smith, against Willey Smith, for divorce ; they were severally read and referred to the committee on divorce and alimony.

Mr Ormond, from the judiciary committee to whom was referred a resolution instructing them to inquire into the expediency of laying off the State into six judicial circuits, reported that it is inexpedient to act on the subject at this time. Mr Hudson of F. moved that the report lie on the table ; which was lost. The report was then concurred in by the House.

Mr Cook from the committee on propositions and grievances to whom was referred the bill entitled an act to make an appropriation to Francis L. Boutin for services rendered the State, reported a substitute in lieu thereof ; which was adopted. The bill was then ordered to be engrossed for a third reading.

Mr Breedin from the committee on the State Bank to whom was referred the bill entitled an act to regulate attorneys' fees on all debts in favor of the president and directors of the Bank of the State of Alabama collected by law, reported a substitute in lieu thereof ; which was adopted. Mr Hubbard moved to amend the bill by way of the following proviso : *Pro-*

vided further, That if the money cannot be made on an execution founded upon a judgment against some one or more of the parties to a bill or note, and the attorney of the bank should be compelled to have process served upon a party to such a bill or note who had not been sued in a former process, then such party subsequently sued, shall be subject to pay a tax fee, and all other costs accruing thereon. *Mr Morrisette* moved the previous question. The question was put, Shall the call be sustained? and lost. Yeas 3—nays 66.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Carmack, Morrisette and Young.

Those who voted in the negative are, Messrs Speaker, Breedin, Brickell, Brodnax, Carithers, Chamberlain, Coker, Cook, Creagh, Davis, Devereux, Drish, Earle, Flemming, Flournoy, Fortson, Goodrich, Graham, Hall, Herbert, Hill, Hollis, Houston of L. Houston of M. Hubbard, Hudson of F. Hudson of J. Johnson, King, Keener, Lea, Lockhart, Lusk, M'Afee, Massey, Mason, Miree, Moffett, Musgrove, Norwood, Oliver, Ormond, Paul, Perkins, Porter, Rather, Reaves, Rhodes, Richardson, Ross, Rugely, Saunders, Scott, Simmons, Stewart, Sumners, Tarrant, Thompson, Trotter, Waker, Ward, Ware, Weissinger, Williams, Wilson and Witherspoon.

Mr Williams then moved that the bill and proposed amendment by *Mr Hubbard*, be referred to the judiciary committee; which was carried.

Mr Flournoy from the committee on divorce and alimony to which was referred certain records and proceedings in the circuit courts of *Morgan*, *Mobile* and *Lowndes* counties, exercising jurisdiction in chancery cases of divorce, reported a bill to be entitled an act to divorce certain persons therein named; which was read and ordered to a second reading.

On motion of *Mr Norwood*: *Resolved*, That the judiciary committee be instructed to inquire into the expediency of giving to justices of the peace jurisdiction of minor cases of assault and battery, with leave to report by bill or otherwise.

On motion of *Mr Morrisette*: *Resolved*, That a select committee be appointed to memorialize the Congress of the United States to grant a pre-emption of one quarter section of land to all persons who may be settled on the lands lately purchased of the Choctaw, Creek or Chickasaw nation of Indians at the time the same may be offered for sale by the United States; whereupon messrs *Morrisette*, *Porter*, *Wilson*, *Trotter* and *Breedin* were appointed said committee.

On motion of *mr Moffett*: *Resolved*, That the judiciary committee be instructed to inquire into the expediency of passing a law authorizing of sheriffs to take recognizances in any case in which a *capias* may have issued to them from any court of record in this State, as fully and absolutely as justices of the peace under the same circumstances.

On motion of *mr Hudson of F.*, *Resolved*, That the judiciary committee be instructed to inquire into the expediency of passing a law abolishing imprisonment for debt, with leave to report by bill or otherwise.

On motion of *mr Williams*, *Resolved*, That the Secretary of State furnish this House with a statement showing the number of white population, and the slaves in each county in this State, which was taken under the late act of Congress of the United States.

Mr Graham introduced a bill to be entitled an act defining the liability of endorsers of bonds and other instruments payable in Bank, which was read and ordered to a second reading.

Ordered, that *mr Fortson* be added to the committee on county boundaries.

Ordered, That *mr Morrisette* be added to the committee on the judiciary.

On motion of *mr Flournoy*, *Resolved*, That the committee on the State Bank be instructed to inquire and report to this House whether it is not more safe and expedient to establish offices of discount and deposit of the

Bank of the State of Alabama, than branches of the same; and how far a Bank established on the principles of the Union Bank of the State of Louisiana, is calculated to promote or injure the welfare of the citizens of this State, or to affect the interests of the Banks already established.

On motion of Mr Breedin: *Resolved*, That the committee on ways and means be instructed to inquire into the expediency of erecting a Penitentiary in this State, with leave to report by bill or otherwise.

The House then proceeded to the consideration of the orders of the day.

The engrossed bill entitled an act requiring the Clerks of the county courts of the several counties of this State to make indexes, and providing fees for notaries in certain cases, was read a third time. Mr Hall moved to amend it by way of engrossed ryder, by adding thereto an additional section, No. 3; which was adopted. The bill was then passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The engrossed bill entitled an act the better to secure the funds of the University of Alabama being under consideration, Mr Rather moved that it be referred to the judiciary committee, which was carried.

The engrossed bill entitled an act to legalize and confirm the name of James S. Malone, was read the third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The bill from the Senate, entitled an act to repeal in part an act approved January 12, 1832, relating to the alternating of the judges of the circuit courts of this State, was read a second time, and the constitutional rule requiring bills to be read on three several days being dispensed with, it was read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the Clerk acquaint the Senate therewith.

The bill entitled an act to establish a public road from the Southern boundary line, in township No. 8, in range 4 or 5 west of Huntsville, to where Crabb's road crosses the Sipsie, was read a second time. Mr Rather moved to amend the bill by striking out the word "Morgan" where it occurs in the third and fifth sections, and insert the word "Walker," which was adopted; it was ordered to be engrossed for a third reading.

The engrossed bill from the Senate entitled an act for the relief of Sarah H. Dade, Elizabeth Dade, and Susan T. Dade, of the city of Mobile, was read a second time. Mr Hudson of F. moved to refer the bill to the judiciary committee, which was lost; and the constitutional rule requiring bills to be read on three several days being dispensed with, it was read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the Clerk acquaint the Senate therewith.

The question was put on Mr Hall's motion to rescind rule No. 27, and carried.

The bill entitled an act to repeal in part an act relating to the alternating of the judges of the circuit courts of this State, approved January 21, 1832, was laid on the table.

The bill entitled an act for the relief of purchasers of sixteenth sections in the county of Autauga, was read a second time and referred to the committee on the State Bank.

On motion of Mr Williams: *Resolved*, That the commissioners who were appointed to superintend the building of the State Capitol, furnish this House with a full statement of the amount of money they have expended on the State Capitol since the last appropriation; whether the whole sum appropriated has been expended, and what further sum will be necessary for the completion of the State Capitol.

The House then adjourned till to-morrow at ten o'clock, A. M.

Saturday, November 10.—The House met pursuant to adjournment.

The Speaker laid before the House the record and proceedings of the circuit court of mobile county, exercising chancery jurisdiction in the case of James Puckett against Elizabeth Puckett, for divorce; which was read and referred to the committee on divorce and alimony.

A message was received from the Governor, by James I. Thornton, Secretary of State, which is as follows:

EXECUTIVE DEPARTMENT, Tuscaloosa, November 9, 1832.

To the Senate and House of Representatives of the State of Alabama: I have the honor to inform the General Assembly, that since their last adjournment, several vacancies have occurred in the office of judge of the county court of several counties, and the following appointments have been made, to wit. Erasmus Walker, judge of the county court of Tuscaloosa county, in place of Thomas Owen, resigned; William B. Street, judge of the county court of Montgomery county, in the place of Nimrod E. Benson, resigned; John W. Bridges, judge of the county court of Wilcox county, in the place of John W. Wilson, resigned; and George W. Lane, judge of the county court of Limestone county, in the place of William J. Mason, resigned.

The office of the judge of the county court of Jackson county has become vacant, by the resignation of the Honorable William S. Compton.

During the recess of the General Assembly, Jesse Beene was appointed to fill the office of solicitor of the second judicial circuit made vacant by the death of Eli Terrey, Esq. Mr Beene has since resigned and his place has been supplied by the appointment of James B. Clark, Esq. Constantine Perkins has resigned the office of Attorney General, which is now vacant.

(Signed)

JOHN GAYLE.

Ordered, that said communication lie on the table.

Mr Moffett, from the committee on accounts to whom was referred the petition and claim of A. P. How and William C. Wilson, reported a bill to be entitled an act for the relief of Archibald P. How and William C. Wilson; which was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith. Mr Hudson of F. moved the following amendment: To be paid out of any money in the Treasury not otherwise appropriated; which was adopted. Mr Cook moved to refer the bill to the committee on propositions and grievances; which was carried.

A message from the Senate by Mr Connor: mr Speaker—The Senate have passed a bill from the House of Representatives entitled an act to amend the charter of the Tuscumbia, Courtland and Decatur Railroad Company, and have amended the same by striking out the word "fifty," where it occurs in the 4th, 11th, 13th and 14th lines of the 4th section, and have inserted in lieu thereof the word "ten," in which they ask the concurrence of the House of Representatives. mr mason moved that the bill lie on the table; which was lost. *Ordered*, that the House concur in the several amendments made by the Senate to said bill.

Mr Moffett, from the committee on accounts to whom was referred the account of Green W. Caller, jailer of Washington county, of Daniel Lucas, sheriff of Jackson county, and of Caleb murphree, sheriff of Blount county, reported a bill to be entitled an act making appropriations for the payment of certain claims against the State; which was read and ordered to a second reading.

Mr Creagh presented the petition of sundry inhabitants of Clarke county praying the passage of a law licensing physicians to practice medicine under the Thompsonian system; which was read. *Ordered*, That the petition lie on the table.

Mr Oliver offered the following resolution: *Resolved*, That this House with the concurrence of the Senate, will at the hour of 3 o'clock, P. m. this day, proceed to the election of a judge for the county court of Montgomery county, at which time the Senate are invited to attend in the Representative Hall. mr Norwood moved to amend the resolution by adding the word Jackson; which was carried. mr Mason moved to amend it by adding the word Limestone, and a judge of the fifth judicial circuit; which

was carried : so that the resolution will read judges of the county courts for Montgomery, Jackson and Limestone counties, and a judge of the fifth judicial circuit. The resolution as amended was then adopted. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Creagh presented the account of Abel Dubose, sheriff of Clarke county ; which was read and referred to the committee on accounts.

Mr Creagh presented the account of James Savage, jr. jailor of Clarke county ; which was read and referred to the committee on accounts.

Mr Moffett presented the account of M. F. Rainey, sheriff of Greene county ; which was read and referred to the committee on accounts.

Mr Drish presented the account of William Y. Glover, sheriff of Tuscaloosa county ; which was read and referred to the committee on accounts.

Mr Moffett presented the account of Joseph Rasberry, constable of Greene county ; which was read and referred to the committee on accounts.

Mr Tarrant presented the account of Robert M. Henry ; which was read and referred to the committee on accounts.

Mr Lockhart presented the petition of sundry citizens of Marengo county, praying that to discontinue the election precinct at Nanafalia, and establish one in lieu thereof at the house of Emanuel Jose ; which was read and referred to the committee on privileges and elections.

Mr Speaker laid before the House the record and proceedings of the circuit court of Mobile county, exercising jurisdiction in chancery in the case of Susan Pool against Samuel Pool, for divorce ; which was read and referred to the committee on divorce and alimony.

Mr Williams called up the message of his excellency the Governor. Mr Williams then moved that it be referred to a committee of the whole House on Tuesday next ; which was carried.

The House then proceeded to the consideration of the orders of the day.

Engrossed bills of the following titles, to wit : An act to establish a public road from the southern boundary line of township No. 8, in Range 4 or 5 west of Huntsville, to where Crabb's road crosses the Sipsey ; and an act to make an appropriation to Francis L. L. Boutin for services rendered the State, were severally read a third time and passed. *Ordered*, that the titles be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The bill entitled an act to divorce certain persons therein named, was read a second time. Mr Morrisette moved to refer it to the committee on divorce and alimony ; which was lost. It was ordered to be engrossed for a third reading.

The bill entitled an act defining the liability of endorsers of bonds and other instruments payable in bank, was read a second time and referred to the judiciary committee.

Ordered, That messrs Johnson, Massey and M'Affee be added to the committee on county boundaries.

And then the House adjourned until three o'clock, P. M.

Evening Session, 3 o'clock.—The House met pursuant to adjournment.

Mr Rhodes, from the committee on the State Bank to whom was referred the engrossed bill entitled an act the better to secure the funds of the University of Alabama, reported the same without amendment. Mr Hudson of F. moved that the bill lie on the table ; which was carried.

Mr Oliver made the following report : The committee on enrolled bills have examined and find correctly enrolled the bill entitled an act to amend the charter of the Tuscumbia, Courtland and Decatur Railroad Company ; also, the bill entitled an act to repeal in part an act approved January 21,

1832, entitled an act relating to the alternating of the judges of the circuit courts of this State.

Mr Flournoy introduced a bill to be entitled an act providing for the appointment of a sufficient number of county surveyors; which was read and ordered to a second reading.

Mr Saunders offered the following resolution : *Resolved*, That with the concurrence of the Senate, the two Houses will assemble in the Representative Hall at the hour of 4 o'clock, P. M. this day, for the purpose of electing a solicitor for the second judicial circuit of this State. Mr Weisinger moved that the resolution lie on the table; which was lost. The resolution was then adopted. *Ordered*, That the clerk acquaint the Senate therewith.

On motion of Mr Rather : *Resolved*, That with the concurrence of the Senate, the two Houses will adjourn *sine die* on Saturday the 17th instant. *Ordered*, That the clerk acquaint the Senate therewith.

A message was received from the Senate by Mr Connor : Mr Speaker—The Senate concur in the resolution of the House of Representatives proposing to go into the election of judges of the county courts of the counties of Montgomery, Jackson and Limestone; also, for the election of a judge of the fifth judicial circuit, this evening at three o'clock; and have amended the same by striking out the words three o'clock, and inserting the words half past four o'clock, in which they ask the concurrence of your honorable body. *Ordered*, That the House concur in the amendment made by the Senate to the resolution. *Ordered*, That the clerk acquaint the Senate therewith.

On motion of Mr Herbert : *Resolved*, That the Senate be now invited to assemble in the Representative Hall for the purpose of going into the election of judges of the county courts of Montgomery, Jackson and Limestone; and also a judge of the fifth judicial circuit. *Ordered*, That the clerk acquaint the Senate therewith.

The Senate having repaired to the Hall of the House of Representatives and taken their seats, the two Houses proceeded to the election of a judge of the county court for Montgomery county. Benajah S. Bibb and William B. Street being in nomination.

Those who voted for Mr Bibb, are Messrs President, Abercrombie, Anderson, Ash, Chapman, Coopwood, Dupuy, Edmondson, Hemphill, Irwin of H. Morton, Phillips, Vining, Walthall: Representatives—Messrs Speaker, Breedin, Brickell, Brodnax, Carithers, Coker, Cook, Devereux, Drish, Earle, Fleming, Flournoy, Hall, Herbert, Hollis, Houston of L. Houston of M. Hubbard, Hudson of F. Hudson of J. Keener, Lee, Lusk, Mason, Miree, Musgrove, Oliver, Ormond, Paul, Perkins, Porter, Rather, Reaves, Rhodes, Richardson, Ross, Rugely, Saunders, Simmons, Stewart, Thompson, Ward, Ware and Wilson.

Those who voted for Mr Street, are Messrs Barclay, Bridges, Erwin of G. Hill, Hogan, M'Vay, Pickett, Smith: Representatives—Carmack, Chamberlain, Creagh, Davis, Fortson, Goodrich, Graham, Hill, King, Lockhart, M'Afee, Massey, Moffett; Norwood, Scott, Sumners, Tarrant, Trotter, Walker, Weissinger, Williams, Witherspoon and Young.

Mr Bibb having received a majority of all the votes given, was declared by Mr Speaker duly elected Judge of the County Court of Montgomery county.

The two Houses then proceeded to the election of a Judge of the County Court of Jackson county; Thompson M. Rector being in nomination; for Mr Rector 89 votes.

Those who voted for Mr Rector, are Messrs President. Abercrombie, Ash, Barclay, Bridges, Chapman, Coopwood, Dupuy, Edmondson, Erwin of G. Hemphill, Hill, Hogan, Irwin of H. M'Vay, Morton, Phillips, Pickett, Smith, Vining, Walthall: Representatives—Messrs Speaker, Breedin, Brickell, Brodnax, Carmack, Ca

rithers, Chamberlain, Coker, Cook, Creagh, Davis, Devereux, Drish, Earle, Fleming, Flournoy, Fortson, Goodrich, Graham, Hall, Herbert, Hill, Hollis, Houston of L. Houston of M. Hubbard, Hudson of F. Hudson of J. Johnson, Keener, King, Lee, Lockhart, Lusk, M'Afee, Massey, Mason, Mirce, Moffett, Musgrove, Norwood, Oliver, Ormond, Paul, Perkins, Porter, Rather, Reaves, Rhodes, Richardson, Ross, Rugely, Saunders, Scott, Simmons, Stewart, Sumners, Tarrant, Thompson, Trotter, Walker, Ward, Ware, Weissinger, Williams, Wilson, Witherspoon and Young.

Mr Rector having received all the votes given, was declared by Mr Speaker duly elected Judge of the County Court of Jackson county.

The two Houses then proceeded to the election of a Judge of the County Court of Limestone county; George W. Lane being in nomination; for Mr Lane 91 votes.

Those who voted for Mr Lane, are Messrs President, Abercrombie, Anderson, Ash, Barclay, Bridges, Chapman, Coopwood, Dupuy, Edmondson, Erwin of G. Hemphill, Hill, Hogan, Irwin of H. M'Vay, Morton, Phillips, Pickett, Smith, Vin- ing, Walthall: Representatives—Messrs Speaker, Breedin, Brickell, Brodnax, Carmack, Carithers, Chamberlain, Coker, Cook, Creagh, Davis, Devereux, Drish, Earle, Fleming, Flournoy, Fortson, Goodrich, Graham, Hall, Herbert, Hill, Hollis, Houston, of L. Houston of M. Hudson of F., Hudson of J. Johnson, Keener, King, Lee, Lockhart, Lusk, M'Afee, Massey, Mason, Mirce, Moffett, Musgrove, Oliver, Ormond, Paul, Perkins, Porter, Rather, Reaves, Rhodes, Richardson, Ross, Rugely, Saunders, Scott, Simmons, Stewart, Sumners, Tarrant, Thompson, Trotter, Walker, Ward, Weissinger, Ware, Williams, Witherspoon, Wilson and Young.

Mr Lane having received all the votes given, was declared by Mr Speaker duly elected Judge of the County Court of Limestone county.

The two Houses then proceeded to the election of a Judge for the fifth judicial circuit for the State of Alabama; William I. Adair being in nomination; for Mr Adair 86 votes.

Those who voted for Mr Adair, are Messrs President, Abercrombie, Anderson, Ash, Barclay, Bridges, Chapman, Coopwood, Dupuy, Edmondson, Erwin of G. Hemphill, Hill, Hogan, Irwin of H. M'Vay, Morton, Phillips, Pickett, Smith, Vin- ing, Walthall: Representatives—Messrs Speaker, Breedin, Brickell, Brodnax, Carmack, Carithers, Chamberlain, Coker, Cook, Creagh, Davis, Devereux, Drish, Earle, Fleming, Flournoy, Fortson, Goodrich, Graham, Hall, Herbert, Hill, Hollis, Houston of L. Houston of M. Hubbard, Hudson of J. Johnson, Keener, King, Lee, Lockhart, Lusk, M'Afee, Massey, Mason, Mirce, Moffett, Musgrove, Oliver, Ormond, Paul, Perkins, Porter, Rather, Reaves, Rhodes, Richardson, Rugeley, Saunders, Scott, Simmons, Stewart, Sumners, Tarrant, Thompson, Trotter, Walker, Ward, Ware, Weissinger, Williams, Wilson, Witherspoon and Young.

Mr Adair having all the votes given, was declared by Mr Speaker duly elected Judge of the fifth judicial circuit of the State of Alabama.

The Senate then withdrew.

And the House adjourned until Monday at 10 o'clock, A. M.

Monday, November 12, 1832—The House met pursuant to adjournment.

Mr Massey introduced a bill to be entitled an act to establish election precincts in the county of St Clair; which was read and ordered to a second reading.

On motion of Mr Rather: *Resolved*, That the committee on privileges and elections be instructed to inquire into the expediency of establishing an additional election precinct at the house of George W. Hall, in the county of Morgan, and at the house of George Pendleton, in Baldwin county.

Mr Davis introduced a bill to be entitled an act to change the mode of compensating jurors for the county of Bibb; which was read and ordered to a second reading.

Mr Goodrich introduced a bill to be entitled an act to provide for the compensation of petit jurors in Jackson county; which was read and ordered to a second reading.

Mr Trotter offered the following resolution: *Resolved*, That the judiciary committee be instructed to inquire whether the Legislature can constitutionally establish a bank, a branch bank and renew a bank charter at one and the same session of the Legislature. Mr Ormond moved that the resolution lie on the table ; which was carried.

On motion of Mr Moffett: *Resolved*, That the committee on privileges and elections be instructed to inquire into the expediency of discontinuing an election precinct at the house of David Barton, in the county of Greene, and of establishing an additional one at the store of George Johnson in the same county.

Mr Cook, from the committee on propositions and grievances to whom was referred the bill entitled an act for the relief of Archibald P. How and William C. Wilson, reported the same without amendment, and that it is inexpedient to pass the same. The bill was then ordered to be engrossed for a third reading.

The House then proceeded to the consideration of the orders of the day.

The engrossed bill entitled an act to divorce certain persons therein named, was laid on the table.

The bill entitled an act making appropriations for the payment of certain claims against the State was read a second time and referred to the committee on accounts.

The bill entitled an act providing for the appointment of a sufficient number of county surveyors, was read a second time and referred to the judiciary committee.

Mr Perkins called up the bill entitled an act the better to secure the funds of the University of Alabama ; which was read the third time. Mr Hudson of F. moved to amend the bill by way of the following engrossed rider : *Provided*, That the said University fund shall at all times bear its proportion of losses sustained by the bank as well as a rateable proportion of expenses in banking. Mr Young moved that the bill lie on the table ; which was lost. The question recurred on Mr Hudson's amendment and lost. Mr Hubbard moved to amend the bill by way of the following engrossed rider : *Provided*, That the investments heretofore made of the funds of the University in State stock and the investments made by this act, shall when taken together, never exceed three hundred thousand dollars; which was adopted. And the question being put, Shall this bill pass? it was determined in the affirmative. Yeas 42—nays 27.

The yeas and nays being desired, those who voted in the affirmative are, Messrs. Speaker, Breedin, Brickell, Caritners, Chamberlain, Coker, Creagh, Drish, Earle, Fleming, Flournov, Fortson, Graham, Hall, Herbert, Houston of L. Hubbard, Hudson of J. Johnson, King, M'Afee Massey, Mason, Moffett, Morrisette, Musgrove, Oliver, Ormond, Paul, Perkins, Porter, Rhodes, Richardson, Rugely, Saunders, Scott, Stewart, Trotter, Ware, Williams Wilson and Witherspoon.

Those who voted in the negative are, Messrs Brednax, Carmack, Cook, Davis, Devereux, Goodrich, Hill, Hollis, Houston of M. Hudson of F. Keener, Lee, Lockhart, Lusk, Miree, Norwood, Rather, Reaves, Ross, Simmons, Sumners, Tarrant, Thompson, Walker, Ward, Weissinger, and Yuong.

So the bill passed. *Ordered*, that the title be as as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

A message from the Senate by Mr Morton—Mr Speaker: The Senate have read three several times and passed a bill which originated in the House of Representatives, entitled "an act to make an appropriation to Francis L. L. Boutin for services rendered the State.

Mr miree made the following report: The committee on enrolled bills have examined and found correctly enrolled "an act for the relief of Sarah H. Dade, Elizabeth Dade, and Susan T. Dade, of the city of mobile.

On motion of Mr Saunders: *Resolved*, That the committee on privileges and elections be instructed to inquire into the expediency of establishing an election precinct at Carlowville in the county of Dallas; also to change the name of the precinct at Dewees, to that of Pleasant Hill, and to discontinue the precinct at Kennedy's, and establish the same at Dunn's store; and also to abolish the precinct at Henry Bates's in marengo county.

On motion of Mr Cook: *Ordered*, that Mr Chamberlain be added to the committee on propositions and grievances.

The House adjourned until to-morrow at ten o'clock, A. M.

Tuesday, November 13.—The House met pursuant to adjournment.

Mr Davis presented the petition of Cornelius Cox of Bibb county, praying the passage of a law to authorise him to continue and keep up his grist mill and saw mill, and other water works on the middle prong of Mulberry creek; which was read and referred to the committee on propositions and grievances.

Mr Herbert presented the petition of sundry citizens of Dallas county, praying the passage of a law to emancipate certain slaves therein named; which was read and referred to the committee on propositions and grievances, to consider and report thereon.

Mr Rugely presented the petition of sundry citizens of the town of Lowndeshorough, in Lowndes county, praying the passage of a law to incorporate said town; which was read and referred to a select committee; whereupon messrs. Rugely, Oliver and Ware, were appointed said committee.

Mr Hubbard presented the account of Matthew Roberts, sheriff of Lawrence county; which was read and referred to the committee on accounts.

Mr Rugely presented the account of H. A. Hubbell, jailor of Montgomery county; which was read and referred to the committee on accounts.

Mr Porter made the following report: The committee on enrolled bills have examined and find correctly enrolled a bill entitled "an act to make an appropriation to Francis L. L. Boutin, for services rendered the State.

A message from the Senate by Mr Conner—Mr Speaker: The Senate have passed bills of the following titles, to wit: A bill to be entitled "an act to provide for summoning a jury to attend the county court of Wilcox county;" a bill to be entitled "an act to establish a branch of the Bank of the State of Alabama, at — in the Tennessee valley;" a bill entitled "an act to repeal an act entitled an act to prevent the introduction of slaves into the State of Alabama, and for other purposes;" in which they desire the concurrence of your honorable body.

The bill from the Senate entitled "an act to provide for summoning a jury to attend the county court of Wilcox county;" was read and ordered to a second reading.

The bill from the Senate entitled "an act to establish a branch of the Bank of the State of Alabama, at — in the Tennessee valley, was read a first time, and the constitutional rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and referred to the committee on the State Bank.

The bill from the Senate entitled "an act to repeal in part an act entitled an act to prevent the introduction of slaves into the State of Alabama, and for other purposes;" was read a first time, and the constitutional rule being dispensed with, it was forthwith read a second time and referred to the judiciary committee.

Mr Ormond, from the judiciary committee to whom was referred a resolution instructing them to inquire into the expediency of so amend-

ing the present laws governing justices of the peace and constables so as to cause justices of the peace to give bond and security, reported, that it is inexpedient to legislate on the subject; in which report the House concurred.

Mr Ormond from the judiciary committee to whom was referred the bill entitled "an act defining the liability of endorsers of bonds and other instruments payable in Bank, reported the same without amendment; the bill was ordered to be engrossed for a third reading.

Mr Ormond, from the judiciary committee to whom was referred a resolution instructing them to inquire into the expediency of passing a law abolishing imprisonment for debt, reported, that the laws now in force provide every security to the person of a debtor which is required for his protection, and that it is inexpedient to legislate on the subject; in which report the House concurred.

Mr Herbert made the following report: The committee on education have had under consideration a resolution instructing them to inquire into the expediency of admitting such number of students from each county in this State as to them may appear most practicable and equitable, having regard to population, who shall be educated in the University of this State free from expense, both in regard to tuition and board, for such length of time as may be found most expedient, and have authorised me to report it inexpedient to legislate on the subject at this Session, and ask leave to be discharged from the further consideration of the subject; which was granted.

Mr Flournoy, from the committee on divorce and alimony, to which was referred the record and proceedings of the circuit court of Mobile county, exercising jurisdiction in chancery in the case of Susan Pool, who sued in that court for a divorce from her husband, Samuel Pool, reported, that said divorce ought not to be granted. Mr Flournoy moved that the report lie on the table, which was lost; it was then concurred in.

Mr Flournoy, from the committee on divorce and alimony to whom was referred the record and proceedings of the circuit court of Mobile county, exercising chancery jurisdiction in the case of James Puckett, who sued in that court for a divorce from his wife Elizabeth Puckett, reported a bill to be entitled "an act to divorce James Puckett from his wife Sarah Puckett; which was read and ordered to a second reading.

Mr Cook, from the committee on propositions and grievances, to whom was referred the petition of Elizabeth Dade, Sarah Dade, and Susan T. Dade, reported the same, and ask to be discharged therefrom; a bill already having passed the House granting the relief prayed for; which was granted.

Mr Cook, from the committee on propositions and grievances to whom was referred a resolution instructing them to inquire into the expediency of requiring that judges of the county courts shall reside at or near the court-houses of their respective counties, reported a bill to be entitled "an act requiring the judges of the county courts to reside near the court-houses of their respective counties, and for other purposes;" which was read and ordered to a second reading.

Mr Cook, from the committee on propositions and grievances to whom was referred the petition of John Kidd, reported a bill to be entitled "an act for the relief of John Kidd;" which was read and ordered to a second reading.

Mr Cook, from the committee on propositions and grievances, to whom was referred a resolution instructing them to inquire into the expediency of reducing the license on retailers, reported that it is inexpedient to pass such a law; in which report the House concurred.

Mr Rather, from the committee on privileges and elections, reported

that they have examined the credentials and other evidence of the election of the members of this House, and find them duly elected. *Ordered*, that the report lie on the table.

On motion of Mr M'Affee: *Resolved*, That the committee on roads, bridges, and ferries, be instructed to inquire into the expediency of repealing so much of the fifth section of "an act entitled an act to reduce into one the several acts concerning roads, bridges, ferries, and highways, approved January 12, 1827, as requires three freeholders or house holders in each captain's beat, within their respective counties, to apportion the hands liable to work on public roads to each overseer, and of so amending the same as to make it the duty of the justices of the peace in each captain's beat, respectively, to apportion the hands liable to work on roads, in like manner as is prescribed in the fifth section of the above recited act; with leave to report by bill or otherwise.

A message from the Senate by Mr Merton—Mr Speaker: The Senate concur in the resolution proposing to go into the election of a solicitor of the second judicial circuit, at the hour of 4 o'clock, p. m., this day, and have amended the same by striking out the words "4 o'clock, p. m., this day," and inserting "12 o'clock, on Tuesday, inst." in which they desire the concurrence of your honorable body. Mr Morrisette moved that the communication lie on the table; which was lost. The amendment was then concurred in. *Ordered*, that the Clerk acquaint the Senate therewith.

Mr Speaker laid before the House a communication from the Secretary of State, which is as follows:

SECRETARY OF STATES' OFFICE, TUSCALOOSA, Nov. 13, 1832.

SIR: In compliance with a resolution of the House of Representatives of the 9th instant, that the Secretary of State furnish the House with a statement showing the number of the white population, and the slaves in each county in this State, which was taken under the late act of Congress of the United States, I have the honor respectfully to transmit herewith a report which furnishes the information required, together with the number of the free persons of color which was not called for by the resolution, but which may not be deemed irrelevant to the object of the call.

I have the honor to be,

(Signed)

JAMES I. THORNTON.

Hon. SAMUEL W. OLIVER, Speaker of the House of Representatives.

Ordered, that said communication, together with the accompanying document, lie on the table, and that two hundred copies be printed for the use of this House.

The House then resolved itself into a committee of the whole House on the message of his Excellency the Governor, Mr Williams in the chair, and after some time spent in consideration of the same, Mr Speaker resumed the chair; Mr chairman reported that the committee had had under consideration the message of the Governor and made progress therein, and leave was asked to sit again; which was granted.

On motion of Mr Saunders: *Resolved*, That the Senate be now informed that this House is now ready to receive them in the Hall for the purpose of electing a solicitor for the second judicial circuit of this State.

The Senate having repaired to the Hall of the House of Representatives and taken their seats, the two Houses then proceeded to the election of a solicitor of the second judicial circuit.

Lewis Kennedy, James Lowry, Henry C. Lee, George W. Gayle, and Joseph Bouchelle, being in nomination.

Those who voted for Mr Kennedy are: Senators—Messrs Edmondson, Hill, M'Vay, and Smith: Representatives—Messrs Carinack, Davis, Hill, Houston of L. Morrisette, Musgrove, Rather, Sumners, Tarrant, Thompson and Ward.

Those who voted for Mr Lowry are: Senators—Messrs Abercrombie, Barclay and Phillips: Representatives—Messrs Brickell, Breedin, Earle, Graham, Herbert, Hudson of J. Ormond, Paul, Perkins, Rugely, Sanders, Simmons and Young.

Those who voted for Mr Lee are: Senators—Messrs President, Anderson, Coopwood, Dupuy and Walthall: Representatives—Messrs Speaker, Brodnax, Cham-

berlain, Drish, Flournoy, Hollis, Houston of M. Hubbard. Lee, Lusk, Mason, Mirce, Norwood, Rhodes, Scott, Stewart and Waker.

Those who voted for Mr Gayle are: Senators—Messrs. Ash, Chapman, Erwin of G. Hogan, Pickett and Vining: Representatives—Messrs Creagh, Fleming, Fortson, Goodrich, King, Lockhart, M'Afee, Massey, Moffett, Trotter, Weissinger, Williams and Witherspoon.

Those who voted for Mr Bouchelle are: Senators—Messrs Bridges, Hemphill, Irwin of H. and Morton: Representatives—Messrs Carithers, Coker, Cook, Devereux, Hall, Hudson of F. Keener, Oliver, Porter, Reaves, Richardson, Ross, Ware and Wilson.

No one of the candidates having received a majority of the votes, the two Houses proceeded again to the election. The same persons being in nomination.

Those who voted for Mr Kennedy are: Senate—Messrs Edmondson Hill and M'Vay: Representatives—Messrs Carmack Davis Hill Houston of L. Morrisette Musgrove Rather Sumners Tarrant Thompson Ward and Young.

Those who voted for Mr Lowry are: Senators—Messrs Abercrombie, Barclay and Phillips: Representatives—Messrs Breedin Brickell Earle Graham Hall Herbert Hudson of J. Ormond Paul Perkins Rugely Saunders Scott Simmons and Ware

Those who voted for Mr Lee are: Senators—Messrs President Anderson Coopwood Dupuy Erwin of G. and Walthall: Representatives—Messrs Speaker Brodnax Chamberlain Drish Flournoy Hollis Houston of M. Hubbard Lee Lusk Mason Mirce Norwood Rhodes Stewart and Walker.

Those who voted for Mr Gayle are: Senators—Messrs Ash Bridges Chapman Hogan Pickett Smith and Vining: Representatives—Messrs Creagh Fleming Fortson Goodrich King Lockhart M'Afee Massey Moffett Trotter Weissinger Williams and Witherspoon.

Those who voted for Mr Bouchelle are: Senators—Messrs Hemphill Irwin of H. and Morton: Representatives—Messrs Carithers Coker Cook Devereux Hudson of F. Keener Oliver Porter Reaves Richardson Ross and Wilson.

No one of the candidates having received a majority of the votes, the two Houses proceeded to the election again. Mr Bouchelle being withdrawn.

Those who voted for Mr Kennedy are: Senators—Messrs Edmondson Hill and M'Vay: Representatives—Carmack Davis Hill Morrisette Musgrove Rather Ross Sumners Tarrant Thompson Ward and Young.

Those who voted for Mr Lowry are: Messrs Abercrombie Barclay and Phillips: Representatives—Messrs Breedin, Brickell Carithers Earle Graham Hall Herbert Hudson of J. Paul Porter Rugely Saunders Scott and Ware.

Those who voted for Mr Lee are: Senators—Messrs President Anderson Bridges Coopwood Dupuy Hemphill Irwin of H. Morton and Walthall: Representatives—Messrs Speaker Brodnax Chamberlain Coker Cook Devereux Drish Flournoy Hollis Houston of M. Hubbard Keener Lee Lusk Mason Mirce Norwood Oliver Perkins Reaves Rhodes Richardson Simmons Stewart Trotter Walker and Wilson.

Those who voted for Mr Gayle are: Messrs Ash Chapman Erwin of G. Hogan Pickett Smith and Vining: Representatives—Messrs Creagh Fleming Fortson Goodrich Houston of L. Hudson of F. King Lockhart M'Afee Massey Moffett Weissinger Williams and Witherspoon.

No one of the candidates having received a majority of the votes, the two Houses proceeded again again to the election. Mr Kennedy being withdrawn.

Those who voted for Mr Lowry are: Senators: Messrs Barclay and Phillips: Representatives—Messrs Breedin Carithers Earle Hall Herbert Paul Porter & Saunders.

Those who voted for Mr Lee are: Senators—Messrs President Abercrombie Anderson Coopwood Dupuy Edmondson Hemphill Irwin of H. Morton and Walthall: Representatives—Messrs Speaker Brodnax Chamberlain Coker Cook Devereux Drish Flournoy Hollis Houston of M. Hubbard Keener Lee Lusk Mason Mirce Musgrove Norwood Oliver Ormond Perkins Rather Reaves Rhodes Richardson Ross Rugely Scott Simmons Stewart Thompson Trotter Walker Ward Ware and Wilson.

Those who voted for Mr Gayle are: Senators—Messrs Ash Bridges Chapman Erwin of G. Hill Hogan M'Vay Pickett Smith and Vining: Representatives—Messrs Brickell Carmack Creagh Davis Earle Fortson Goodrich Graham Hill Houston of

L. Hudson of F. Hudson of J. King Lockhart M' Afec Massey Moffett Sumners Tarrant Weissinger Williams Witherspoon and Young.

Mr Morrisette voted for Mr Kennedy.

Henry C. Lee having received a majority of the votes, mr Speaker declared him elected solicitor of the second judicial circuit of the State of Alabama.

mr Rugely, from the select committee to whom was referred the petition of sundry citizens of Lownds county, reported a bill to be entitled "an act authorising a lottery for the benefit of Lownds Lodge, No. 23, of Ancient Freemasons, which was read and ordered to a second reading.

The House then adjourned until to-morrow ten o'clock, A. M.

Wednesday, November 14, 1832.—The House met pursuant to adjournment.

A message from the Senate by mr Morton : mr Speaker—The Senate have read three several times and passed joint resolutions asking the consent of Congress to authorize the State of Alabama to lay a tonnage duty of three cents per ton for the support of a harbor master for the port of mobile, in which they desire the concurrence of your honorable body.

Joint resolutions from the Senate asking the consent of Congress to authorize the State of Alabama to lay a tonnage duty of three cents per ton for the support of a harbor master for the port of Mobile, was read a first time and ordered to a second reading.

Mr Flouruoy presented the account of David Griffin, jailor of Pickens county ; which was read and referred to the committee on accounts.

Mr Chamberlain presented the petition of Purie S. Dumeé of the city of Mobile, praying the passage of a law to emancipate a certain slave therein named ; which was read and referred to the committee on propositions and grievances.

Mr Chamberlain presented the petition of Lewis Deelandre of the city of Mobile, praying the passage of a law to emancipate certain slaves therein named ; which was read and referred to the committee on propositions and grievances.

Mr Chamberlain presented the petition of Louis Young, a citizen of mobile, praying the passage of a law to emancipate a certain slave therein named ; which was read and referred to the committee on propositions and grievances.

Mr Chamberlain presented the petition of Joseph Journey, a citizen of the county of Mobile, praying the passage of a law to emancipate a certain slave therein named ; which was read and referred to the committee on propositions and grievances.

Mr Chamberlain presented the petition of Wilson Abbott, of the county of Mobile, praying the passage of a law to emancipate a certain slave therein named ; which was read and referred to the committee on propositions and grievances.

Mr Chamberlain presented the petition of Laziere Chieune, of the city of Mobile, praying the passage a law to emancipate a certain slave therein named ; which was read and referred to the committee on propositions and grievances.

A message from the Governor by James I. Thornton :

Mr Speaker—I am instructed by the Governor to inform your honorable body that he did on the 10th instant, approve and sign an act to amend the charter of the Tusculumbia, Courtland and Decatur Railroad Compony; and on this day, an act to make an appropriation to Francis L. L. Boutin for services rendered the State, both of which originated in the House of Representatives.

Mr Rhodes made the following report : The committee on the State

bank to whom was referred the bill from the Senate entitled an act to establish a branch of the bank of the State of Alabama at — in the Tennessee Valley, have had the same under consideration, and have instructed me to report the same as amended, by striking out the word “two” in the last line on the second page of the bill, and inserting in lieu thereof the word “five”; and also, by striking out the words “in the city of New York,” in the first line of the fourth page, and also by striking out the words “in that market,” in the second and third lines of the same page, and by adding the following section : Sec. 16. *And be it further enacted*, That the General Assembly may from time to time make such disposition by law, of the nett gains or profits of the said branch as they may deem expedient. The question was on concurring in the first amendment, which was by striking out the word “two” to insert the word “five”; and the question being divided, the vote was first taken on striking out and carried; the vote was then taken on filling the blank with the word ‘five’; which was lost. Mr Creagh moved to amend the ninth section after the word “until” in the third line, with the following : one half of the amount raised on the stock created by this act.” mr Morrisette moved to amend my Creagh’s amendment as follows : And *provided* the same shall not be less than two hundred thousand dollars. mr Hubbard moved that the bill with the amendments be referred to a select committee ; which was carried: whereupon messrs Hubbard, Creagh, Ormond, Morrisette and Breedin were appointed said committee.

Mr Brodnax, from the committee on roads, bridges and ferries to whom was referred the petition of Hanibal Hays, reported a bill to be entitled an act to establish a certain ferry therein specified ; which was read and ordered to a second reading.

Mr Rhodes, from the committee on the State bank to whom was referred the bill entitled an act for the relief of purchasers of sixteenth sections in the county of Autauga, reported a substitute in lieu thereof ; which was adopted, and the constitutional rule requiring bills to be read on three several days being dispensed with, it was considered as engrossed, and read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, to be sent to the Senate for their concurrence.

On motion of mr Ross : *Resolved*, That with the concurrence of the Senate, the two Houses will assemble in the Hall of the House of Representatives at the hour of three o’clock this day for the purpose of electing a judge of the county court of the county of Wilcox ; and also, a judge of the county court of Marengo county. *Ordered*, That the clerk acquaint the Senate therewith.

On motion of mr Norwood : *Resolved*, That the committee on privileges and elections be instructed to inquire into the expediency of establishing an election precinct at the dwelling house of Absalom Caffee in the county of Jackson.

Mr Hubbard made the following report : The select committee to whom was referred the bill from the Senate entitled an act to establish a branch of the bank of the State of Alabama at — in the Tennessee Valley, have had the same under consideration, and have instructed me to report as follows : Strike out the whole of the last line of the ninth section after the word “until,” and insert the following: one half of the amount of money raised from the stock created by this act shall be paid in gold or silver and deposited in the vaults of the bank : *Provided*, That the said bank shall not commence operation until two hundred thousand dollars of said stock shall have been sold ; in which report the House concurred. *Ordered*,

That the House concur in all the other amendments except by the addition of section No. sixteen; which was disagreed to. Mr Creagh moved to amend the 14th section and 4th line by striking out the words "one million," with a view to insert "five hundred thousand." A division of the question being called for, the vote was first taken on striking out and lost; and the rule requiring bills to be read on three several days being dispensed with, it was then read the third time forthwith, and the question being put Shall this bill pass? it was determined in the affirmative. Yeas 64—nays 5.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Speaker, Breedin, Brickell, Brodnax, Carmack, Carithers, Chamberlain, Coker, Cook, Davis, Devereux, Drish, Earle, Flemming, Flournoy, Fortson, Goodrich, Graham, Hall, Herbert, Hill, Houston of L. Houston of M. Hubbard, Hudson of F. Hudson of J. Johnson, Keener, King, Lea, Lockhart, Lusk, M'Afee, Massey, Mason, Mirce, Moffett, Musgrove, Norwood, Oliver, Ormond, Paul, Perkins, Porter, Rather, Reaves, Rhodes, Richardson, Ross, Rugeley, Saunders, Scott, Simmons, Stewart, Summers, Tarrant, Thompson, Trotter, Ward, Williams, Wilson, Witherspoon and Young.

Those who voted in the negative are, Messrs, Creagh, Hollis, Morrisette, Walker and Weissinger.

So the bill passed.

Mr Hubbard moved to amend the title of the bill by striking out the word "at"; which was carried. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Rather called up the bill entitled an act to divorce certain persons therein named. The bill was read the third time and passed by the constitutional majority. Yeas 50—nays 16.

Those who voted in the affirmative are, Messrs Speaker, Breedin, Brodnax, Carmack, Chamberlain, Coker, Cook, Davis, Devereux, Drish, Flemming, Flournoy, Fortson, Graham, Hall, Herbert, Hollis, Houston of M. Hubbard, Johnson, Keener, King, Lea, Lockhart, Lusk, M'Afee, Massey, Moffett, Morrisette, Oliver, Ormond, Paul, Perkins, Porter, Rather, Reaves, Rhodes, Ross, Rugeley, Scott, Simmons, Stewart, Summers, Thompson, Trotter, Ward, Ware, Williams, Wilson and Witherspoon.

Those who voted in the negative are, Messrs Brickell, Carithers, Creagh, Earle, Goodrich, Hill, Houston of L. Hudson of F. Hudson of J. Mirce, Mason, Musgrove, Richardson, Saunders, Tarrant, Walker, Weissinger and Young.

The bill passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The House then proceeded to the consideration of the orders of the day.

The engrossed bill entitled an act for the relief Archibald P. How and William C. Wilson, was read a third time. Mr Creagh moved to amend it by way of the following engrossed rider: *Provided*, said persons shall relinquish all claims to the reward offered by the Governor for the apprehension and delivery of said Cole; which was adopted; and the question being put Shall this bill pass? it was determined in the affirmative. Yeas 49—nays 16.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Speaker, Breedin, Brickell, Brodnax, Carmack, Carithers, Coker, Creagh, Davis, Drish, Earle, Flemming, Flournoy, Fortson, Graham, Herbert, Hill, Houston of L. Houston of M. Hubbard, Hudson of F. Keener, Lockhart, Lusk, M'Afee, Massey, Mason, Moffett, Morrisette, Oliver, Ormond, Paul, Porter, Richardson, Ross, Rugeley, Saunders, Simmons, Stewart, Summers, Tarrant, Thompson, Trotter, Ware, Weissinger, Williams, Wilson, Witherspoon and Young.

Those who voted in the negative are, Messrs Chamberlain, Cook, Devereux, Goodrich, Hudson of J. Johnson, Lea, Mirce, Musgrove, Norwood, Perkins, Rather, Reaves, Scott, Walker and Ward.

The bill passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Williams moved that the further consideration of the orders of the day be postponed until to-morrow; which was carried.

The House then adjourned until to-morrow at 10 o'clock, A. M.

Thursday, November 15th, 1832.—The House met pursuant to adjournment.

A message from the Senate by Mr Morton: Mr Speaker—The Senate have passed a bill entitled an act to curtail the amount of damages on bills of exchange purchased by the bank of the State of Alabama and the branches thereof, in which they ask the concurrence of the House of Re-

presentatives ; they have also passed a bill which originated in the House of Representatives entitled an act to establish a public road from the southern boundary of township No. 8, in range 4 or 5 west of Huntsville, to where Crabb's road crosses the Sipsey, and have amended the same by inserting the words "for each and every offence" after the word "dollars" in the ninth line of the fifth section, in which they ask the concurrence of the House of Representatives. *Ordered*, that the *House* concur in the amendment made by the Senate to said bill. *Ordered*, that the clerk acquaint the Senate therewith.

The bill from the Senate entitled an act to curtail the amount of damages on bills of exchange purchased by the bank of the State of Alabama and the branches thereof, was read a first time and ordered to a second reading.

Mr Morrisette offered the following resolution : *Resolved*, That in the opinion of this House, the members of the present General Assembly are not equitably entitled, or will they receive the mileage pay for returning from the called, and returning to the annual session thereof. Mr Goodrich moved that the resolution lie on the table ; which was carried.

Mr Cook from the committee on propositions and grievances to whom was referred the petition of James L. Cotteelle, reported that it is inexpedient to pass such a law. *Ordered*, that the report lie on the table.

Mr Cook from the committee on propositions and grievances to whom was referred sundry petitions and other matters, reported that they deem it too late in the session to act upon them, and asked to be discharged from the further consideration thereof; which was granted.

Mr Ormond made the following report : The judiciary committee to whom was referred the resolution inquiring into the expediency of giving to justices of the peace jurisdiction of minor cases of assault and battery, &c. have had the same under consideration, and have instructed me to report: That it is inexpedient at all times to change the settled forms of administering justice, unless there be a pressing and clearly perceptible necessity for such change, which your committee believe not to be the case in the present instance ; to the reverse of which your committee believe that the institution of grand juries for the purpose of inquiring into and passing on all crimes and misdemeanors is one of the strongest safeguards and bulwarks of the citizen : and that no inducement however specious, should induce us to give it up. Your committee are of opinion that any law or system of laws contemplated by the resolution, would in a great degree impair the usefulness of grand juries in their office of shielding the citizens from frivolous prosecutions. A majority of your committee are of opinion that the framers of the constitution had reference to the old and tried method of indictment, and intended to secure the benefits thereof to the people of this State by the 11th and 12th sections of the first article of our constitution. Your committee are further of opinion that it is only in populous cities, where there are collections of desperate characters, in the armies or navies of the United States, where a relaxation of the forms of process by indictment, *ex necessitate rei*, are or ought to be permitted. Your committee would call the attention of the House to the fact, that summary process in punishment of offences by local magistrates, has been the mark of despotism in all countries and at all times. Your committee are further of opinion that it would be difficult to form any law that would point out with sufficient distinctness the class of cases that might be intrusted to the adjudication of justices of the peace. They are further of opinion, that to secure the citizen a trial by an impartial jury in all cases as contemplated by

the constitution and at the same time to give the trial of minor offences to justices of the peace, would be more burthensome to the people than our present admirable system. And finally, your committee are of opinion, that this fundamental change in the forms of law is not called for by the people of the State of Alabama, for whom we are legislating. Your committee therefore say, that they think it inexpedient to legislate upon the subject. Mr Hubbard moved that the report lie on the table, which was carried; yeas 55—nays 13.

The yeas and nays being desired, those who voted in the affirmative are: Messrs. Speaker, Brodnax, Carmack, Coker, Davis, Devereux, Drish, Earle, Fleming, Flournoy, Goodrich, Hall, Herbert, Hill, Hollis, Houston of L. Houston of M. Hubbard, Hudson of F. Johnson, Keener, Lee, Lusk, McAfee, Massey, Mason, Miree, Morrisette, Musgrove, Norwood, Oliver, Ormond, Porter, Rather, Reaves, Rhodes, Richardson, Ross, Rugely, Saunders, Scott, Simmons, Stewart, Sumners, Tarrant, Thompson, Trotter, Walker, Ward, Weissinger, Williams, Wilson and Young.

Those who voted in the negative are: Messrs. Breedin, Carithers, Chamberlain, Cook, Creagh, Fortson, Graham, Hudson of J. Lockhart, Moffet, Paul, Perkins and Witherspoon.

Mr Ormond, from the judiciary committee to whom was referred the bill from the Senate, entitled an act to repeal an act entitled an act to prevent the introduction of slaves into the State of Alabama and for other purposes, reported that it is expedient to pass the aforesaid act without amendment. Mr Carmack moved to amend the bill by striking out all after the enacting clause with a view to insert the following: "That an act entitled an act to prevent the introduction of slaves into Alabama and for other purposes, approved January 16, 1832, be and the same is hereby repealed." A division of the question being called for, the vote was first taken on striking out, and lost. Mr Wilson moved to amend the bill by adding thereto the following:

SEC. *And be it further enacted*, That hereafter it shall not be lawful for more than five male slaves either with or without passes to assemble together at any place off the proper plantation to which they belong, except for the purpose of public worship, the same shall be deemed and considered an unlawful assembly.

And be it further enacted, That if any slave or free person of color shall hereafter preach to or exhort or harangue any slave or slaves without being thereunto licensed by some body of regular christians immediately in the neighborhood, and to whose society or church such negro shall properly belong, except it be in the day time, such slave or free person of color so offending, shall on conviction thereof before any justice of the peace, receive by order of said justice of the peace, thirty-nine lashes for the first offence, and fifty lashes for every offence thereafter.

Mr Herbert moved the previous question. The question was, Shall the call for the previous question be sustained? and passed in the affirmative. The main question was then put, viz: Shall this bill be read a third time? and determined in the affirmative.

A message from the Senate by Mr Conner—Mr Speaker: The Senate concur in the several amendments made by the House to the bill from the Senate entitled "an act to establish a Branch Bank of the State of Alabama in the Tennessee valley.

A message was received from the Governor by James I. Thornton, which is as follows:

EXECUTIVE DEPARTMENT, Tuscaloosa, 15th November, 1832.

To the Senate and House of Representatives of the State of Alabama:

In communicating to the General Assembly, the vacancies which had occurred during the recess, I omitted to state that Shelby Corzine, Esq. who was elected to the office of Judge of the County Court of Marengo County, declined accepting the appointment, and that William J. Alston, Esq. was commissioned to fill the vacancy, and is the present incumbent. Robert E. B. Baylor, Esq. has been appointed to examine the Digest now in preparation, in place of Robert G. Gordon, Esq. resigned.

JOHN GAYLE.

Ordered, that the communication lie on the table.

Mr Brodnax, from the committee on roads, bridges and ferries, to whom was referred the petition of Phillip Usery, reported, that it is inexpedient to pass an act on the subject, in which report the House concurred.

Mr Flournoy, from the committee on divorce and alimony, to which was referred the record and proceedings of the circuit court of Dallas county, exercising jurisdiction in chancery in the case in that court, wherein Thomas C. Christian, sued to be divorced from his wife Jane B. Christian, reported, that in the opinion of that committee, said divorce ought not to be granted. Mr Herbert moved that the report lie on the table, which was carried.

The same committee to which was referred the record and proceedings of the circuit court of Dallas county, exercising jurisdiction in chancery in the case in that court, wherein James P. Smith sued to be divorced from his wife Willey Smith, reported that in the opinion of that committee, the said divorce ought not to be granted. Mr Herbert moved that the report lie on the table, which was carried.

The House then adjourned until three o'clock, this evening.

Evening Session, 3 o'clock.—The House met pursuant to adjournment.

The House then proceeded to the consideration of the orders of the day.

The bill entitled an act to establish election precincts in the county of St. Clair, was read a second time. Mr Flournoy moved to amend the bill by inserting the words "Viana, in Pickens county;" the bill was referred to the committee on privileges and elections, to consider and report thereon.

The bill entitled an act to change the mode of compensating jurors of the county of Bibb, was read a second time and ordered to be engrossed for a third reading.

A message from the Senate by Mr Conner—Mr Speaker: the Senate concur in the resolution of the House to go into the election of judges of the county courts of Wilcox and marengo counties, and have amended the same by striking out the word "Wednesday" and inserting "Thursday," at the hour of three o'clock, in which they desire the concurrence of your honorable body; in which amendment the House concurred. *Ordered*, that the Clerk acquaint the Senate therewith.

On motion of Mr Ross: *Resolved*, That the Senate be now invited to assemble in the Representative Hall for the purpose of going into the election of judges of the county courts for the counties of Wilcox and marengo.

The Senate having repaired to the Hall of the House of Representatives and taken their seats, the two Houses then proceeded to the election of a judge of the county court of Wilcox county.

John W. Bridges, alone being in nomination.

Those who voted for Mr Bridges are: Senators—Messrs President, Abercrombie, Anderson, Ash, Barclay, Chapman, Coopwood, Dupuy, Edmondson, Erwin of G. Hemphill, Hill, Hogan, Irwin of H. M'Vay, Morton, Phillips, Pickett, Vining and Walthall: Representatives—Mr Speaker, Breedin, Brickell, Brodnax, Carmack, Carithers, Chamberlain, Cooker, Cook, Creagh, Davis, Devereux, Drish, Earle, Fleming, Flournoy, Fortson, Goodrich, Graham, Hall, Herbert, Hill, Hollis, Houston of L. Houston of M. Hubbard, Hudson of F. Hudson of J. Johnson, Keener, King, Lee, Lockhart, Lusk, M'Affee, Mason, Massey, Miree, Moffett, Morrisette, Musgrove, Norwood, Oliver, Ormond, Paul, Perkins, Porter, Rather, Reaves, Rhodes, Richardson, Ross, Rugely, Saunders, Scott, Simmons, Stewart, Sumners, Tarrant, Thompson, Trotter, Walker, Ward, Ware, Weisinger, Williams, Wilson, Witherspoon and Young.

John W. Bridges having received all the votes given, Mr Speaker declared him duly elected judge of the county court of Wilcox county.

The two Houses then proceeded to the election of a judge of the county court for marengo county. William J. Alston alone being in nomination.

The same persons having voted for William J. Alston as voted for John W. Bridges, judge of the county court of Wilcox county, Mr Speaker declared him duly elected judge of the county court of marengo county.

The Senate then withdrew. The House resumed the consideration of the orders of the day.

The bill entitled an act to provide for the compensation of petit jurors in Jackson county, was laid on the table.

The engrossed bill entitled an act defining the liability of endorsers of bonds and other instruments payable in Bank, was read the third time and passed. Mr Graham moved to amend the title of the bill as follows: Engrossed bill entitled an act to amend an act entitled an act defining the liability of endorsers and for other purposes, approved January 15, 1828; which was adopted. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The bill from the Senate entitled an act to provide for summoning a jury to attend the county court of Wilcox county, was read a second time, and the rule requiring bills to be read on three several days being dispensed with, it was read the third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the Clerk acquaint the Senate therewith.

The bill entitled an act to divorce James Puckett from his wife Elizabeth Puckett, was read a second time and ordered to be engrossed for a third reading.

The bill entitled an act requiring the judges of the county courts to reside near the Court-houses of their respective counties and for other puposes, was, on motion of Mr Rather, ordered to lie on the table.

A message from the Senate by Mr Conner:

Mr Speaker: The Senate have adopted the following resolution: *Resolved* That the Secretary of the Senate be instructed to present to the House of Representatives a copy of the report of the Tennessee Canal Commissioners and in obedience thereto, a copy of the said report is herewith presented.

Respectfully, C. D. CONNER, *Sec'y. of the Senate*.

Ordered, That said report lie on the table, and one hundred copies be printed for the use of this House.

The bill entitled an act for the relief of John Kidd, was ordered to lie on the table.

The bill entitled an act authorising a lottery for the benefit of Lowndes Lodge of Ancient Freemasons, No. 33, was ordered to lie on the table.

Joint resolutions from the Senate, asking the consent of Congress to authorise the State of Alabama to lay a tonnage duty of three cents per ton for the support of a harbour master for the port of Mobile, was read a second time and ordered to a third reading.

The bill entitled an act to establish a ferry therein specified, was read a second time, and the rule requiring bills to be read on three several days being dispensed with, it was then read a third time forthwith, considered as engrossed, and passed. *Ordered*, that the same be sent to the Senate for their concurrence.

The House then adjourned until to-morrow morning, ten o'clock.

Friday, November 16.—The House met pursuant to adjournment.

Mr Rather, from the committee on privileges and elections to whom was referred the bill entitled an act to establish election precincts in the county of St. Clair, reported a substitute in lieu thereof. Mr Rather moved that the bill lie on the table; which was carried.

Mr Rather, from the committee on privileges and elections, to whom was referred the petition of the citizens of Marengo county, praying to have the precinct at Nanafalia discontinued, and one established in lieu thereof at the house of Emanuel Jose; and the petition of the citizens of Monroe county, praying the establishment of an election precinct at the house of

Tira Roberts, ask leave to be discharged from the further consideration of the petitions, which was granted.

Mr Hall, from the committee on privileges and elections to whom was referred several resolutions instructing them to inquire into the expediency of establishing election precincts in the several counties therein named, reported, that the several subjects are embraced in a bill now before the House, and ask to be discharged from the further consideration thereof; which was granted.

Mr Carithers made the following report: The committee on enrolled bills have examined and find correctly enrolled, a bill entitled an act to establish a public road from the southern boundary line of township No. 8, in range 4 or 5 west of Huntsville, to where Crabb's road crosses the Sipsey.

Mr Brodnax, from the committee on roads, bridges and ferries to whom was referred a resolution instructing them to inquire into the expediency of amending the road laws so as to require the justices of the peace in each captain's district, to apportion the hands to work on roads, reported, that it is too late in the session to act on the subject, and beg leave to be discharged from the further consideration of the same; which was granted.

Mr Ormond made the following report: The judiciary committee believing that there is no probability that any of the resolutions or bills referred to them, can be matured during the present session, have instructed me to report their opinion to the House, and ask to be discharged from the further consideration of the different matters referred to them; which was granted.

Mr Creagh made the following report: The committee on ways and means, to whom was referred a resolution instructing them to inquire into the expediency of revising the revenue law; and also a resolution instructing them to inquire into the expediency of erecting a penitentiary, have had both these subjects under consideration, and have instructed me to report, that they consider the above subjects not only worthy but demanding the attention of the legislature; they believe they cannot receive that deliberation due to them during the called session; they therefore recommend them as subjects deserving the attention of the annual session, and ask leave to be discharged from the further consideration of the same; which is granted.

Mr Creagh, from the committee on ways and means to whom was referred a resolution instructing them to inquire into the expediency of abolishing the poll tax, reported, that it is not expedient to abolish the poll tax; which report the House concurred.

Mr Moffett, from the committee on accounts to whom was referred the bill entitled an act making appropriations for certain claims against the State; and the accounts and claims of divers persons against the State, reported, that it will be impossible for them to mature a bill in sufficient time to report the concurrence of both Houses of the legislature during the present session; they ask leave to be discharged from the further consideration of the subjects referred to them; which was granted.

Mr Moffett moved that all petitions and accounts which have been introduced during the present session, and which have not been finally disposed of be withdrawn; which was agreed to.

On motion of Mr Hudson of F.: *Resolved*, That with the consent of the Senate, the two Houses will convene in the Representative Hall this day at the hour of eleven o'clock, A. M. for the purpose of locating the site of the Bank of the State of Alabama, in the Tennessee valley. Ordered, that the clerk acquaint the Senate therewith.

The House then proceeded to the consideration of the orders of the day.

Joint resolutions from the Senate asking the consent of Congress to authorise the State of Alabama to lay a tonnage duty of three cents per ton for the support of a harbour master for the port of Mobile, was read the third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

The bill from the Senate entitled an act to repeal an act entitled an act to prevent the introduction of slaves into the State of Alabama, and for other purposes, was read the third time, and the question being put, Shall this bill pass? it was determined in the affirmative; yeas 57—nays 6.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Speaker, Breedin, Brickell, Brodnax, Coker, Cook, Creagh, Davis, Devereux, Drish, Flemming, Flournoy, Fortson, Goodrich, Hall, Herbert, Hollis, Houston of L. Houston of M. Hubbard, Hudson of F. Hudson of J. Johnson, Keener, King, Lee, Lockhart, Lusk, M'Afee, Massey, Mason, Mirte, Moffett, Morrisette, Musgrove, Norwood, Oliver, Ormond, Paul, [Porter, Reaves, Rhodes, Richardson, Ross, Rugeley, Saunders, Scott, Simmons, Stewart, Sumners, Thompson, Trotter, Walker, Ward, Ware, Weissinger, Williams, and Witherspoon.

Those who voted in the negative are, Messrs Carmack, Earle, Hill, Rather, Tarrant, and Young.

The bill passed.

Mr Cook moved to amend the title of the bill with the words "in part" to come in after the word "repeal;" which was carried. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

The engrossed bill entitled an act to change the mode of compensating jurors of the county of Bibb, was read the third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be forthwith sent to the Senate for their concurrence.

The engrossed bill entitled an act to divorce James Puckett from his wife Elizabeth Puckett, was read the third time and passed by the constitutional majority; yeas 49—nays 16.

Those who voted in the affirmative are: Messrs Speaker, Breedin, Brodnax, Carmack, Chamberlain, Coker, Cook, Davis, Devereux, Drish, Fleming, Flournoy, Fortson, Graham, Hall, Herbert, Hollis, Houston of L. Houston of M. Hubbard, Johnson, Keener, Lee, Lockhart, Lusk, M'Afee, Massey, Moffett, Morrisette, Musgrove, Norwood, Oliver, Ormond, Paul, Rather, Ross, Rugeley, Scott, Simmons, Stewart, Sumners, Tarrant, Thompson, Trotter, Ward, Ware, Williams, Wilson and Witherspoon.

Those who voted in the negative are: Messrs Brickell, Carithers, Creagh, Earle, Goodrich, Hill, Hudson of F. Hudson of J. Mason, Miree, Porter, Reaves, Saunders, Walker, Weissinger and Young.

The bill passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The bill from the Senate entitled an act to curtail the amount of damages on bills of exchange purchased by the Bank of the State of Alabama, and the branches thereof, was, on motion of Mr Ormond, ordered to lie on the table.

Mr Rather introduced a bill to be entitled an act making appropriation for the payment of the members and officers of the General Assembly, which was read the first time; and the constitutional rule requiring bills to be read on three several days being dispensed with, the bill was read a second time forthwith, and the rule being further dispensed with, the bill was read a third time forthwith, considered as engrossed, and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be forthwith sent to the Senate for their concurrence.

A message from the Senate by Mr Conner: Mr Speaker—The Senate

concur in the resolution from the House of Representatives, proposing to go into the location of the branch Bank of the State of Alabama.

On motion of Mr Hudson of F.: *Resolved*, That the senate be now invited to assemble in the Representative Hall, for the purpose of locating the branch Bank of the State of Alabama, in the Tennessee valley.

Ordered, that the Clerk acquaint the Senate therewith.

The Senate having repaired to the Hall of the House of Representatives and taken their seats, the two Houses proceeded to the location of a site to locate the branch of the Bank of the State of Alabama, in the Tennessee valley.

The town of Courtland, Huntsville, Decatur, Athens, Florence, and Tusculmbia, being in nomination.

Those who voted for Courtland, are Messrs President, Coopwood and Irwin of H.: Representatives—Drish, Fortson, Herbert, Hubbard, Lockhart, Miree, Moffett, Oliver, Ormond, Porter, Stewart, Thompson, Walker, Williams and Witherspoon.

Those who voted for Huntsville, are Messrs Barclay, Hogan, Pickett, Smith and Vining: Representatives—Messrs Creagh, Fleming, Flournoy, Goodrich, Graham, Hudson of J. King, M'Afee, Morrisette, Saunders and Scott.

Those who voted for Decatur, are Messrs Abercrombie, Anderson, Ash, Bridges, Chapman, Dupuy, Erwin of G. Hill, Phillips and Walthall: Representatives—Messrs Speaker, Breedin, Brodnax, Carithers, Coker, Devereux, Earle, Hill, Houston of M. Johnson, Lee, Lusk, Massey, Musgrove, Norwood, Paul, Perkins, Rather, Rhodes, Simmons, Tarrant, Trotter, Ward and Wilson.

Those who voted for Athens, are Mr Edmondson: Representatives—Messrs Brickell, Chamberlain, Mason and Richardson.

Those who voted for Florence, are Mr M'Vay: Representatives—Messrs Carmack, Houston of L. and Young.

Those who voted for Tusculmbia, are Messrs Hemphill and Morton: Reps—Messrs Cook, Davis, Hall, Hollis, Hudson of F. Keener, Ross, Rugely, Reaves, Sumners, Ware and Weissinger.

Neither having a majority, the two Houses proceeded to a second ballot; Courtland, Huntsville, Decatur, Athens and Florence being in nomination.

Those who voted for Courtland, are Messrs President, Coopwood, Hemphill, Irwin of H. and Morton: Representatives—Messrs Cook, Drish, Fortson, Herbert, Hollis, Hubbard, Hudson of F. Keener, Lockhart, Miree, Moffett, Oliver, Ormond, Porter, Reaves, Ross, Saunders, Stewart, Thompson, Walker, Weissinger, Williams and Witherspoon.

Those who voted for Huntsville, are Messrs Barclay, Hogan, Pickett, Smith and Vining: Representatives—Messrs Chamberlain, Creagh, Davis, Fleming, Flournoy, Graham, Hudson of J. King, M'Afee, Morrisette and Scott.

Those who voted for Decatur, are Messrs Abercrombie, Anderson, Ash, Bridges, Chapman, Dupuy, Erwin of G. Phillips and Walthall: Representatives—Messrs Speaker, Breedin, Brodnax, Carithers, Coker, Devereux, Earle, Goodrich, Hall, Hill, Houston of M. Johnson, Lee, Lusk, Massey, Musgrove, Norwood, Paul, Perkins, Rather, Rhodes, Rugely, Simmons, Sumners, Tarrant, Trotter, Ward, Ware and Wilson.

Those who voted for Athens, are Mr Edmondson: Representatives—Messrs Brickell, Mason and Richardson.

Those who voted for Florence, are Mr M'Vay: Representatives—Messrs Carmack, Houston of L. and Young.

Neither having a majority, the two Houses proceeded to a third ballot; Courtland, Huntsville, Decatur and Athens being in nomination.

Those who voted for Courtland, are Messrs President, Coopwood, Hemphill, Irwin of H. and Morton: Representatives—Messrs Cook, Drish, Fortson, Herbert, Hollis, Hubbard, Hudson of F. Keener, Lockhart, Miree, Oliver, Ormond, Porter, Reaves, Ross, Saunders, Stewart, Thompson, Walker, Ware, Weissinger, and Witherspoon.

Those who voted for Huntsville, are Messrs Hogan, Pickett, Smith and Vining: Representatives—Messrs Chamberlain, Creagh, Davis, Fleming, Flournoy, Graham, Houston of L. King, M'Afee, Moffett, Morrisette, Scott and Williams.

Those who voted for Decatur, are Messrs Abercrombie, Anderson, Ash, Barclay, Bridges, Chapman, Dupuy, Erwin of G. Hill, Phillips and Walthall: Representatives—Messrs Speaker, Breedin, Brodnax, Carithers, Coker, Devereux, Earle, Goodrich, Hall, Hill, Houston of M. Johnson, Lee, Lusk, Massey, Musgrove, Norwood, Paul, Perkins, Rather, Rhodes, Ross, Rugely, Simmons, Saunders, Tarrant, Trotter, Ward, Ware and Wilson.

Those who voted for Athens, are Messrs Edmondson and M'Vay: Representatives—Messrs Brickell, Carmack, Coker, Mason, Richardson and Young.

Neither having a majority, the two Houses proceeded to a fourth ballot.

Those who voted for Courtland, are Messrs President, Coopwood, Hemphill, Irwin of H. and Morton: Representatives—Messrs Cook, Drish, Fortson, Houston of L. Hollis, Hubbard, Hudson of F. Keener, Miree, Oliver, Ormond, Porter, Reaves, Saunders, Stewart, Thompson, Walker, Weissinger, Witherspoon and Young.

Those who voted for Huntsville, are Messrs Hogan, Pickett, Smith and Vining: Representatives—Messrs Chamberlain, Creagh, Davis, Fleming, Flournoy, Graham, Hudson of J. King, M'Afee, Moffett, Morrisette, Scott and Williams.

Those who voted for Decatur, are Messrs Abercrombie, Anderson, Ash, Barclay, Bridges, Chapman, Dupuy, Erwin of G. Hill, Phillips and Walthall: Representatives—Messrs Speaker, Breedin, Brodnax, Carithers, Coker, Devereux, Earle, Hall, Herbert, Hill, Houston of M. Johnson,

Lee, Lockhart, Lusk, Massey, Musgrove, Norwood, Paul, Perkins, Rather, Rhodes, Rugely, Simmons, Summers, Tarrant, Trotter, Ward, Ware and Wilson.

Those who voted for Athens, are Messrs Edmondson and M'Vay: Representatives---Messrs Brickell, Carmack, Mason and Richardson.

Neither having a majority, the two Houses proceeded to a fifth ballot.

Those who voted for Courtland, are Messrs President, Coopwood, Hemphill and Irwin of H.: Representatives---Messrs Carmack, Cook, Drish, Fortson, Hollis, Houston of L. Hubbard, Ormond, Saunders, Stewart, Thompson, Walker and Young.

Those who voted for Huntsville, are Messrs Bridges, Hogan, Pickett, Smith and Vining: Representatives---Messrs Creagh, Davis, Fleming, Flournoy, Graham, Hudson of J. King, Moffett, Morrisette, Scott and Williams.

Those who voted for Decatur, are Messrs Abercrombie, Anderson, Ash, Barclay, Chapman, Dupuy, Erwin of G. Hill, Morton, Phillips and Walthall: Representatives---Messrs Speaker, Bredin, Brodnax, Carithers, Chamberlain, Coker, Devereux, Earle, Goodrich, Hall, Herbert, Hill, Houston of M. Hudson of F. Johnson, Keener, Lee, Lockhart, Lusk, M'Affee, Massey, Miree, Musgrove, Norwood, Oliver, Paul, Perkins, Porter, Rather, Reaves, Rhodes, Ross, Rugely, Simmons, Summers, Tarrant, Trotter, Ward, Ware, Weissinger, Wilson and Witherspoon.

Those who voted for Athens, are Messrs Edmondson and M'Vay: Representatives---Messrs Brickell, Mason and Richardson.

The town of Decatur, in Morgan county, having received a majority of votes, Mr Speaker therefore declared it duly elected as the site for the location of the branch Bank of the State of Alabama in the Tennessee valley.

The Senate withdrew; and the House adjourned until half past nine o'clock, to-morrow morning.

Saturday, November 17.—The House met pursuant to adjournment.

A message was received from the Senate by Mr Morton: Mr Speaker—The Senate have passed bills which originated in the House of Representatives, of the following titles, to wit: An act for the relief of Archibald P. Howe, and William C. Wilson. An act to establish a certain ferry therein specified. An act to change the mode of compensating jurors of the county of Bibb. An act to amend an act entitled an act defining the liability of endorsers, and for other purposes, approved January 15, 1828. An act to divorce certain persons therein named. An act for the relief of the purchasers of sixteenth sections, which they have amended as therein shown.—They have rejected a bill from the House of Representatives, entitled an act the better to secure the funds of the University of Alabama. They have passed a bill from the House of Representatives, entitled an act making appropriations for the payment of the members and officers of the present General Assembly. They concur in the resolution of the House of Representatives, proposing that the two Houses do adjourn *sine die*, on Saturday, the 17th instant.

The Senate have adopted the following resolution: *Resolved*, That a joint committee be appointed on the part of the Senate to act with such committee as may be appointed by the House of Representatives, to wait on his Excellency the Governor, and inform him that if he has no further communication to make, that the two Houses will adjourn to-morrow *sine die*; and they have appointed messrs Erwin of G. and Morton.

Ordered, that the House concur in the resolution appointing a committee to wait on his Excellency the Governor; whereupon, messrs Cook, Porter and Ross, were appointed. *Ordered*, that the House concur in the amendment, made by the Senate to the bill entitled an act for the relief of the purchasers of the sixteenth sections. *Ordered*, that the clerk acquaint the Senate therewith.

James Camp, a member from the county of Madison, appeared, was qualified, and took his seat.

Ordered, that messrs Fortson, Simmons and Ware, have leave of absence for the day.

Mr Williams, from the select committee to whom was referred a resolution to divide the State into five Congressional Districts, reported, that they have had the same under consideration, and believing that there was not sufficient time to pass on a subject of that importance during the

present session, ask leave to be discharged from the further consideration of the same; which was granted.

Mr Hudson of F. made the following report: The committee on county boundaries to whom was referred a resolution instructing them to inquire into the expediency of laying off that part of the State into counties which has lately been ceded by the Creek Indians; also instructing them to inquire into the propriety of organizing that part of the State into counties, and extending the jurisdiction of the State over the same, which have been ceded by the Choctaws; have had the same under consideration, and have instructed me to report, that the subject is one which requires more deliberation than the length of this session will allow to bestow thereon; the committee therefore ask to be discharged from the further consideration of the subject at this time; which was granted.

Mr Carithers made the following report: The committee on enrolled bills have examined and found correctly enrolled bills of the following titles, to wit: An act to provide for the summoning a jury to attend the county court of Wilcox county, which originated in the Senate; and an act for the relief of Archibald P. Howe, and William C. Wilson, which originated in the House of Representatives.

Mr Oliver made the following report: The committee on enrolled bills have examined and find correctly enrolled, a bill entitled an act to repeal in part an act entitled an act to prevent the introduction of slaves into Alabama and for other purposes, which originated in the Senate.

Mr King from the joint committee of the two Houses, who were appointed to examine the Comptroller's and Treasurer's offices, and make report on the same, reported, that they have had the same under consideration, and as there is not sufficient time to perform that important duty during the present session, ask leave to be discharged from the further consideration of the same; which was granted.

A message from the Senate by Mr Conner: Mr Speaker—The Senate have adopted the following resolution:

Resolved, That with the concurrence of the House of Representatives, the two Houses will convene in the Hall of the House this evening, at the hour of three o'clock, P. M. for the purpose of electing a president and twelve directors of the Branch Bank of the State of Alabama, at Decatur; and also an attorney general of the State, and a judge of the county court of Tuscaloosa county; in which they ask the concurrence of the House of Representatives. /

Mr Flournoy moved to amend the resolution, by striking out the words "and an attorney general of the State, and judge of the county court of Tuscaloosa county;" which was carried. Mr Houston of L. moved to amend it by striking out the words "3 o'clock," to insert "11 o'clock." Mr Flournoy moved that the resolution lie on the table; which was lost.

The question recurred on Mr Houston's motion, and the question being divided, the vote was taken on striking out, and lost; the resolution as amended, was then adopted. *Ordered*, that the clerk acquaint the senate therewith.

A message from the Senate by Mr Morton: Mr Speaker—The Senate have read three several times and passed a bill entitled an act to increase the capital stock of the branch of the Bank of the State of Alabama, at the town of Montgomery, in which they ask the concurrence of your Hon. body. They have also passed a bill which originated in the House of Representatives, entitled an act to divorce James Puckett from his wife Elizabeth Puckett.

The bill from the Senate entitled an act to increase the capital stock of the branch of the Bank of the State of Alabama, at the town of Montgomery, was read a first time, and the constitutional rule being dispensed with, it was read a second time forthwith, and laid on the table.

Mr Oliver made the following report: The committee on enrolled bills have examined and found correctly enrolled a bill entitled, an act for the relief of the purchasers of sixteenth sections, which originated in the House of Representatives.

The House then adjourned until this evening, at half past two o'clock.

Evening Session, half past two o'clock.—The House met pursuant to adjournment.

Mr Mirree made the following report: The committee on enrolled bills have examined and found correctly enrolled, the bill entitled an act to amend an act entitled an act defining the liability of endorsers and for other purposes, which originated in the House of Representatives.

Mr Stewart made the following report: The committee on enrolled bills have examined and found correctly enrolled, joint resolutions asking the consent of Congress

to authorize the State of Alabama, to lay a tonnage duty of three cents per ton for the support of a harbour master, which originated in the Senate.

A message from the Senate by Mr Conner: Mr Speaker—The Senate do not concur in the amendments made by the House of Representatives, to the resolution proposing to go into the election of president and twelve directors of the Branch Bank of the State of Alabama, at Decatur; and also an attorney general of the State, and judge of the county court of Tuscaloosa county, by striking therefrom the words "and also an attorney general, and a judge of the county court of Tuscaloosa county."

Mr Cook moved that the House insist on their amendments to the resolution; which was carried. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Carithers made the following report: The committee on enrolled bills, of the following titles, to wit: An act to divorce James Puckett from his wife Elizabeth Puckett. An act to divorce certain persons therein named. An act to change the mode of compensating jurors for the county of Bibb. An act to establish a certain ferry therein specified. An act making appropriations for the payment of the members and officers of the General Assembly; which originated in this House.

A message from the Senate by Mr Conner: Mr Speaker—The Senate insist on their disagreement to the amendment of the House of Representatives, to the resolution of the Senate, proposing to go into the election of a president and twelve directors of the Branch Bank of the State of Alabama, at Decatur; and also an attorney general, and judge of the county court of Tuscaloosa county, striking therefrom "and also an attorney general and judge of the county court of Tuscaloosa county."

Mr Williams moved that the House adhere to their amendment; which was carried. *Ordered*, that the clerk acquaint the Senate therewith.

A message from the Senate by Mr Conner: Mr President—The Senate adhere to their disagreement to the amendment made by the House of Representatives to the resolution proposing to go into the election of a president and twelve directors of the Branch Bank of the State of Alabama, at Decatur; and also an attorney general of the State, and judge of the county court of Tuscaloosa county; and ask a committee of conference on the subject; and have appointed on the part of the Senate, Messrs Erwin of G., Anderson and Coopwood. Whereupon, Messrs Flournoy, Williams, Ormond and Morrisette, were appointed said committee.

A message from the Governor by James I. Thornton:

The Governor did this day approve and sign the following bills: An act to establish a certain road from the southern boundary line of township eight, in range four or five west of Huntsville, to where Crabb's road crosses the Sipsey. An act for the relief of Archibald P. Howe, and William C. Wilson. An act for the accommodation of the purchasers of sixteenth sections. An act making appropriations for the payment of the members and officers of the present General Assembly. An act to divorce James Puckett from his wife Elizabeth Puckett. An act to establish a certain ferry therein specified. An act to divorce certain persons therein named. And an act to change the mode of compensating jurors for the county of Bibb; all of which originated in the House of Representatives.

Mr Flournoy made the following report. The committee appointed on the part of the House of Representatives, to confer with the committee appointed on the part of the Senate, on the disagreement between the two Houses, as to the amendment proposed by the House of Representatives to the resolution of the Senate proposing that the two Houses will at the hour of three o'clock, this evening, meet in the Representative Hall for the purpose of proceeding to the election of a president and twelve directors of the Branch Bank of the State of Alabama, at Decatur; and also, of an attorney general, and a judge of the county court of the county of Tuscaloosa, by striking out the word "also" and the words thereafter following; have duly conferred thereon, and have instructed me to report, that said committee cannot agree, and recommend that the House of Representatives still adhere to their amendment; in which report the House concurred.

Mr Cook made the following report: The committee on the part of the House of Representatives, appointed to act with the committee appointed on the part of the Senate, to wait on his Excellency the Governor, and inform him that the two Houses have disposed of the business of the present session, and are now ready to adjourn; and ascertain if his Excellency has any further communication to make; have performed that duty, and receive for answer that his Excellency has no further communication to make.

A message from the Senate by Mr Conner: Mr Speaker—The Senate have adopted the following resolution: *Resolved*, That the House of Representatives be informed that the Senate have finished all the business before them, and are now ready to adjourn *sine die*.

On motion of Mr Morrisette: *Resolved*, That the Senate be informed that the House of Representatives have gone through all the business before them, and are now ready to adjourn *sine die*. Mr Williams moved that the House adjourn *sine die*. And then the House adjourned.